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COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Standards for Operation and Conduct of Affairs of Corporate Fiduciaries

2) Code Citation: 38 Ill. Adm. Code 399

3) Section Numbers: Proposed Action:

399.10	New Section
399.20	New Section
399.110	New Section
399.120	New Section

4) Statutory Authority: Section 5-1(a) of the Corporate Fiduciary Act (205 ILCS 620/5-1(a)).

5) Complete Description of the Subjects and Issues Involved: The Commissioner of Banks and Trust Companies is authorized to promulgate reasonable rules setting forth standards for the operation and conduct of the affairs of corporate fiduciaries to ensure their safe and sound operation. This Part is being established to set forth those standards under one heading to facilitate easy reference by the corporate fiduciaries affected. Subpart A will contain the general provisions applicable to the Part. Subpart B will set forth limitations on the authority of a trust company to invest for its own account in order to safeguard the condition of such trust company.

6) Will this proposed Rule replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed Rule contain incorporations by reference? No

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

Scott D. Clarke	Patrick F. Andre
Manager, Corporate Fiduciary Division	Senior Trust Attorney
Commissioner of Banks & Trust Companies	Commissioner of Banks & Trust Companies
500 East Monroe Street	
Springfield, Illinois 62701	310 South Michigan, Suite 2130
(217) 785-1679	Chicago, Illinois 60604

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

(312) 793-0950

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that corporate fiduciaries are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.

B) Types of small business affected: Small businesses are not affected by this rule.

C) Reporting, bookkeeping or other procedures required for compliance: N/A

D) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rule begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

PART 399

STANDARDS FOR OPERATION AND CONDUCT OF AFFAIRS OF
CORPORATE FIDUCIARIES

SUBPART A: GENERAL PROVISIONS

Section
399.10 Purpose
399.20 Definitions

SUBPART B: TRUST COMPANY INVESTMENTS

Section
399.110 Purpose
399.120 Investments

AUTHORITY: Implementing and authorized by Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 399.10 Purpose

The Commissioner of Banks and Trust Companies is authorized to promulgate reasonable rules setting forth standards for the operation and conduct of the affairs of corporate fiduciaries to ensure their safe and sound operation. The purpose of this Part is to set forth those standards under one heading to facilitate easy reference by the corporate fiduciaries affected.

Section 399.20 Definitions

"Banking Act" means the Illinois Banking Act [205 ILCS 5].

"Commissioner" means the Commissioner of Banks and Trust Companies.

"Corporate fiduciary" shall have the meaning ascribed to it in Section 1-5.05 of the Corporate Fiduciary Act.

"Corporate Fiduciary Act" means the Corporate Fiduciary Act [205 ILCS 620].

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

"State bank" shall have the meaning ascribed to it in Section 2 of the Banking Act.

"Trust company" shall have the meaning ascribed to it in Section 1-5.11 of the Corporate Fiduciary Act.

SUBPART B: TRUST COMPANY INVESTMENTS

Section 399.110 Purpose

The Commissioner is authorized to determine the minimum capital, surplus and reserves required for the safe and sound operation of corporate fiduciaries. Corporate fiduciaries that are state banks are subject to the investment limitations contained in the Banking Act. The purpose of this Subpart is to set forth the limitations on the authority of a trust company to invest for its own account in order to safeguard the condition of such trust company.

Section 399.120 Investments

For purposes of determining the adequacy of capital, surplus and reserves, a trust company, when purchasing, selling and holding investments for its own accounts, shall be subject to the same limitations and conditions with respect to such investments as are permitted for state banks by the Banking Act. The Commissioner shall disallow any investments that are not so permitted from the calculation of adequate capital, surplus and reserves.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Acquisition, Management and Disposal of Real Property

2) Code Citation: 44 Ill. Adm. Code 5000

3) Section number: Proposed Action:

5000.400 Amend
5000.430 Amend
5000.950 Amend
Appendix B Repeal

4) Statutory Authority: Implementing and authorized by Section 67.24 of the Civil Administrative Code of Illinois [20 ILCS 405/67.24]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment deletes Appendix B (Rental Fees) and amends Section 5000.950 to read that the building manager shall set the rental fee ranges. The other amendments are to correct errors found by the IAC database publishers.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217) 782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section
5000.100 Authority
5000.110 Policy
5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section
5000.200 General Policy and Responsibility
5000.210 Requests for Space/Agency Responsibilities
5000.220 Acquisition Authority
5000.230 Acquisition Procedures
5000.240 Lease Administration
5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section
5000.300 Scope
5000.310 Area Measurement
5000.320 Space Planning Assistance
5000.330 Open Space
5000.340 Space Allowance and Standards
5000.350 Office Furnishing
5000.360 Handicapped Accessibility
5000.370 Vending Facilities/Blind Operators
5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section
5000.400 Assignment and Management by DCMS
5000.410 Assignment by Agencies
5000.420 Reviews and Appeal of Space Assignment Actions
5000.430 Services Provided
5000.440 Alterations
5000.450 Local Requirements

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

5000.960 Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures

5000.970 Severability

APPENDIX A Space Standards

APPENDIX B Rental Fees (Repealed)

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 51, 67.02, 67.06, 67.07, 67.22 and 67.24 of the Civil Administrative Code of Illinois [20 ILCS 5/51 and 20 ILCS 405/67.02, 67.06, 67.07, 67.22 and 67.24] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984 for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section 5000.400 Assignment and Management by DCMS

a) DCMS will perform all functions with respect to the assignment and reassignment of space and management there in the following buildings and any others transferred to DCMS or placed under the control of DCMS.

- 1) Peoria Regional Office Building
5415 North University
Peoria, Illinois 61614
- 2) Springfield Regional Office Building
4500 South 6th Street
Springfield, Illinois 62703
- 3) Campaign Regional Office Building
2125 South 1st Street
Champaign, Illinois 61820
- 4) Illinois State Armory Building

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section 5000.500 Space Inspections and Surveys

5000.510 Responsibility of Agencies

5000.520 Release of Space Not Fully Utilized

5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section

5000.600 Excess Real Property Defined

5000.610 Reports of Excess Real Property

5000.620 Utilization of Excess Real Property

5000.630 Charges for Use of Excess Property

5000.640 Temporary Occupancy

5000.650 Disputes

5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

5000.700 Surplus Real Property Defined

5000.710 Declaration of Surplus

5000.720 Reporting Surplus Real Property

5000.730 Notice of Availability to State Agencies

5000.740 State Agency Requests for Surplus Real Property

5000.750 Transfer Decisions

5000.760 Transfer Procedures

5000.770 Transfer to Department of Central Management Services

5000.780 Subsequent Disposal

5000.790 Sale of Surplus

5000.800 Notice of Sale to Local Governments

5000.810 Local Government Offer to Purchase

5000.820 Public Sale

5000.830 Public Sale Procedures

5000.840 Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section

5000.900 Applicability

5000.910 Definitions

5000.920 Business Hours and Public Access

5000.930 Prohibited Activities

5000.940 Demonstrations

5000.950 Exhibits and Special Events

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 5000.430 Services Provided

In all buildings listed in Section 5000.400 4-0 the following services are generally provided. Variations from the lists will be noted to the occupying agency.

- a) Provided:
- 1) Heat for comfortable occupancy during normal business hours, 8 a.m. to 6 p.m.
 - 2) Cleaning of leased and public spaces and removal of waste paper. This will normally be done nightly, Monday thru Friday, unless the Department of Central Management Services should determine that less frequent cleaning and removal of waste paper is satisfactory.
 - 3) Electricity for lighting and ordinary office machines and for such air conditioning machines as are connected to the building's circuits on January 1, 1982, and such additional air conditioning capacity as may be approved by the Department of Central Management Services.
 - 4) Elevator service.
 - 5) Window washing.
 - 6) Hot and cold running water through ~~thru~~ existing pipes.
 - 7) Window shades.
 - 8) Original and replacement supply of incandescent light bulbs and labor to replace same when burned out for building light fixtures, but not for floor or desk lamps.
 - 9) Labor to replace fluorescent tubes and starters in building light fixtures. Fluorescent tubes (except those of non-standard size and design) and starters will be provided.
 - 10) Venetian blinds cleaning when spaces are decorated.
 - 11) Public toilet facilities, including soap, toilet tissue, paper towels or hand dryers ~~driers~~.
- b) Not provided:
- 1) Lettering of doors and windows (but all lettering and signs on doors or windows) must be approved by DCMS.
 - 2) Furnishing of venetian blinds where they do not now exist.
 - 3) Carpets, rugs, or repairs thereto.
 - 4) Repairs to asphalt tile flooring or other floor covering except in emergency.
 - 5) Furniture or furniture repairs.
 - 6) Alterations or changes to the building or the electrical, plumbing or ventilating systems or mechanical equipment.
 - 7) Air conditioning or electricity or water to operate any air conditioning equipment in excess of the equipment in operation on January 1, 1982.
 - 8) Window ventilators and brackets for same.
 - 9) Repair of fluorescent light fixtures or replacements of burned out ballasts.
 - 10) Furnishing, cleaning or repairing desk lamps and fans.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

124 East Adams

Springfield, Illinois 62706

- 5) Marion Regional Office Building
209 West Main Street
Marion, Illinois 62959

- 6) Mt. Vernon Regional Office Building
601 North 18th Street
Mt. Vernon, Illinois 62864

- 7) East St. Louis Regional Office Building
#10 Collinsville Avenue
East St. Louis, Illinois 62201

- 8) Rockford Regional Office Building
4402 North Main Street
P. O. Box 915
Rockford, Illinois 61105

- 9) State of Illinois Building
160 North LaSalle
Chicago, Illinois 60601

- 10) Office and Laboratory Building
2121 West Taylor Street
Chicago, Illinois 60602

- 11) Central Computer Facility
201 West Adams
Springfield, Illinois 62706

- 12) Maryville Children's Center
Maryville, Illinois 62062

- 13) Elgin Office Building
595 South State Street
Elgin, Illinois 60120

- 14) James R. Thompson Center ~~State-of-Illinois-Center~~
Bounded by Lake, Clark, Randolph
and LaSalle Streets
Chicago, Illinois

- b) DCMS may, in accordance with 20 ILCS 405/67.22 ~~Ill-Rev-Stat--1981r~~
~~ch--1277-par--62b13-22~~, and after consultation with the agencies
affected, assign and reassign space in the above buildings after
determining that such assignment or reassignment is advantageous to
the State in terms of economy, efficiency, or security.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- of billing. All payments shall be made to the Office of the Building.
- e) Film crews and photographers for commercial purposes are permitted at the JRTC 5010 with permission of the Building Manager.
 - f) The group sponsoring the event must provide an insurance binder or assurance on the letterhead of the issuing company of coverage for the scheduled event and anticipated attendance of one million dollars to the Department ten (10) working days prior to the event. Failure to provide proof is cause for termination of the lease. Further information on any insurance requirement is available from the Building Manager.
 - g) A signed copy of the lease agreement at the JRTC 5010 with the base rental fee is due at least ten (10) working days prior to the event except in cases of emergencies, at the JRTC 5010 Office of the Building.
 - h) A minimum of one planning meeting must be held with the Building Manager or the Manager's representative at least one week prior to the event.
 - i) All food and beverage services for JRTC 5010 special events must be provided in accordance with the terms of the Department's commercial space master lease. Further information is available from the Office of the Building. Food and beverage service at other buildings must be coordinated with the Building Manager.
 - j) Displays may not exceed 8 feet in height or block entrances, fire exits and hallways and must comply with all fire code and regulations. They may not obscure the view of Atrium Mail shops at the JRTC 5010 during business hours.
 - k) The State does not supply equipment, set-up personnel, storage, special security or insurance. These must be provided by the exhibitor. The State accepts no responsibility for loss or damage to any part of an exhibit.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 11) Building of shelves.
 - 12) Painting of offices.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 5000.950 Exhibits and Special Events

- a) All organizations that are permitted to use the buildings specified in Section 5000.900 of this Subpart shall be required to execute an agreement to indemnify the State from any injury or damage caused by their members' or participants' negligence or willful misconduct. The members or participants who cause the damage or injury are primarily responsible. Such organization shall also restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Building Manager shall be the final decision-maker on the clean-up of the used area. This subsection only applies to those organizations receiving permission from the Department to use the specified buildings for meetings or parties.
- b) Special Events and exhibits at the buildings may be requested up to one year in advance of the date for the special event or exhibits. Requests must be in writing and submitted to the Building Manager. All requests for special events and exhibits will be filled on a first-come first-served basis. A letter of confirmation or rejection will be mailed within ten (10) working days.
- c) The areas available for Special Events at the JRTC 5010 are the concourse level, atrium level, assembly hall, outdoor plaza and covered arcade, conference/hearing rooms and agency office areas with permission of the agency. Exhibits are allowed only in the atrium lobby level of the JRTC 5010 unless permission is granted to use another part of the building by the Department. Exhibits may not promote religious philosophies or political candidates or philosophies.
- d) Organizations wishing to use the buildings should contact the Building Manager for the applicable fee for the space they intend to use at a building. Minimum and maximum rental fee ranges and conditions for the James R. Thompson State-of-Illinois Center and all other Department facilities shall be set by the building manager and made available to the public are--in--Appendix--B--of--this--Part. An increase/reduction from the minimum/maximum rental rate may be required or granted, based on the following factors: whether the scheduled event is conducted during government business hours or with another event; relative anticipated safety considerations of the scheduled activity; and market prices for competing facilities in the nearby metropolitan area(s). The Building Manager or office will maintain a fee schedule for the building. All payments are due at least ten (10) working days prior to the event or exhibit, with the exception of clean-up fees which are due within ten (10) working days

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 5000.APPENDIX B Rental Fees (Repealed)

CONFERENCE-ROOMS:

0-0317-0-032 and-0-033 9-0347-9-035 and-9-039

Capacity-17-24

6:00-p.m.-1:00-a.m. \$100-00/\$150-00

Half-day-(4-hours-or-less) \$25-00/\$36-25 \$50.00/\$57.50

6:00-p.m.-1:00-a.m.

Base-Rent: \$250-00/\$287-00

Hours: 0:00-a.m.-1:00-a.m.

DISPLAYS/EXHIBITS/INFORMATION-BOOTH:

There-is-no-charge-for-governmental-or-tax-exempt-organizations-for-setting-up displays-exhibits-or-information-booths-concerning-items-of-general-public interest--these-can-be-scheduled-through-the-Special-Events-Coordinator:

RENTAL-RATES

STATE-OF-ILLINOIS-CENTER-AT-CHICAGO FOR PROFESSIONAL-ASSOCIATIONS

CONFERENCE-LEVELS:

Base-Rent: \$1500-00/\$1650-00-minimum-for-250-people-or-less

Additional-charge: A-\$150/\$172-charge-for-each-person-over-250 attending-the-event

Hours: 6:00-p.m.-to-1:00-a.m.-Monday-through-Friday

Set-up/take-down: All-day-to-1:00-a.m.-on-weekends-and-holidays

A-three-hour-set-up-and-a-three-hour-take-down period-is-allowed-at-no-extra-charge

ASSEMBLY-HALLS-(600-Seat-Capacity)

Base-Rent: 0:00-a.m.-to-1:00-a.m.-\$150-00/\$172-50-per-day--Mon--Fri minimum--or--\$500-00/\$575-00--Mon--Fri

Set-up/take-down: A-one-hour-set-up-period-and-a-one-hour-take-down period-is-allowed-at-no-extra-charge

WEEKENDS-\$500-00/\$575-00

EQUIPMENT-RENTAL-RATES:

3/4"-overhead-video-projector 9-75-00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 5000.APPENDIX B Rental Fees (Repealed)

RENTAL-RATES

STATE-OF-ILLINOIS-CENTER-AT-CHICAGO FOR GOVERNMENTAL/CHARITABLE-TAX-EXEMPT-ORGANIZATIONS

CONFERENCE-LEVELS:

Base-Rent: \$1700-00/\$1725-00-minimum-for-250-people-or-less

Additional-charge: A-\$150/\$165-charge-for-each-person-over-250 attending-the-event

Hours: 6:00-p.m.-to-1:00-a.m.-Monday-through-Friday--All day-to-1:00-a.m.-on-weekends-and-holidays

Set-up/take-down: A-three-hour-set-up-and-a-three-hour-take-down period-is-allowed-at-no-extra-charge

ASSEMBLY-HALLS-(600-Seat-Capacity)

Base-Rent: 0:00-a.m.-to-1:00-a.m.-\$150-00/hr (2-hour-minimum)-or-\$400-00/\$460-00-per-day--Mon--Fri

Set-up/take-down: A-one-hour-set-up-period-and-a-one-hour-take-down period-is-allowed-at-no-extra-charge

WEEKENDS-\$400-00/\$460-00

EQUIPMENT-RENTAL-RATES:

3/4"-overhead-video-projector 9-75-00

35-mm.-slide-projector -550-00

Overhead-projector 9-50-00

Piano-(baby-grand) \$100-00

Portable-video/monitor 9-75-00

CONFERENCE/HEARING-ROOMS:

Hearing-Room-9-0407-2-025 Capacity-115

Half-day--(4-hours-or-less) \$100-00/\$115-00

6:00-p.m.-1:00-a.m. \$200-00/\$230-00

Conference-Rooms: 9-031-and-9-036 Capacity/\$36-47

Half-day--(4-hours-or-less) 9-50-00/\$75-00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

35-mm-slide-projector \$-50-00
 Overhead-projector \$-50-00
 Piano-(baby-grand) \$100-00
 Portable-video/monitor \$-75-00

CONFERENCE/HEARING-ROOMS:

Hearing-Room-9-0407-2-025 Capacity-115
 Half-day---(4-hours-or-less) \$100-00/\$115-00
 6:00-p.m.---1:00-a.m. \$200-00/\$230-00

Conference-Rooms:

9-031-and-9-036 Capacity-36-47
 Half-day---(4-hours-or-less) \$-50-00/\$57-50
 6:00-p.m.---1:00-a.m. \$100-00/\$115-00

Conference-Rooms:

0-0317-0-032 and-0-033
 9-0347-0-035 and-9-039 Capacity-17-24
 Half-day-(4-hours-or-less) \$25-00/\$36-25
 6:00-p.m.---1:00-a.m. \$50-00/\$57-50

OUTDOOR-PLAZA:

Base-Rent: \$250-00/\$287-00
 Hours: 0:00-a.m.---1:00-a.m.

RENTAL-RATES
 STATE-OF-ILLINOIS-CENTER-AT-CHICAGO
 PRIVATE/CORPORATE-ORGANIZATIONS

CONFERENCES-LEAVES:

Base-Rent: \$17950-00/\$37427-50-minimum-for-250-people-or-less-
 Additional-Charge: \$150/\$172-charge-for-each-person-over-250
 attending-the-event.

Hours:

6:00-p.m.-to-1:00-a.m.-Monday-through-Friday-All
 day-6:00-a.m.-on-weekends-and-holidays

Set-up/Take-down:

A-three-hour-set-up-and-a-three-hour-take-down
 period-is-allowed-at-no-extra-charge.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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ASSEMBLY-HALL---(600-Seat-Capacity)

Base-Rent: (2-hour-minimum)
 Monday-Friday: 0:00-a.m.-to-5:00-p.m.-\$150-00/\$165-00-hr.-Max
 \$750-00/\$862-50
 Monday-Friday: 5:00-p.m.-to-1:00-a.m.-\$150-00/\$165-00-hr.-Max
 \$750-00/\$862-50
 Weekends/Holidays: 0:00-a.m.-to-1:00-a.m.-\$250-00/\$287-50-hr.-Max
 \$1750-00/\$1437-50
 Set-up/Take-down: A-one-hour-set-up-period-and-a-one-hour-take-down
 period-is-allowed-at-no-extra-charge.

Note:--There-is-a-2-hour-minimum-rental-rate.

EQUIPMENT-RENTAL-RATES:

3/4"-overhead-video-projector \$-75-00
 35-mm-slide-projector \$-50-00
 Overhead-projector \$-50-00
 Piano-(baby-grand) \$100-00
 Portable-video/monitor \$-75-00

CONFERENCE/HEARING-ROOMS:

Hearing-Room-9-0407-2-025 Capacity-115
 Half-day---(4-hours-or-less) \$125-00/\$143-75
 6:00-p.m.---1:00-a.m. \$225-00/\$250-75

Conference-Rooms:

9-031-and-9-036 Capacity-36-47
 Half-day-(4-hours-or-less) \$-75-00/\$86-25
 6:00-p.m.-1:00-a.m. \$125-00/\$143-75

Conference-Rooms:

0-0317-0-032 and-0-033
 9-0347-9-035 and-9-039 Capacity-17-24

Half-day-(4-hours-or-less) \$50-00/\$57-50
 6:00-p.m.---1:00-a.m. \$75-00/\$86-25

OUTDOOR-PLAZA:

Base-Rent: \$750-00/\$862-50
 Hours: 0:00-a.m.---1:00-a.m.

DISPLAYS/EXHIBITS/PROBREW-INFORMATION-BOOTHS:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Under-100 \$25-00/\$20-75
Between-100-200 \$50-00/\$57-59
Over-200 \$75-00/\$86-25

PROCEEDURES-AND-RESERVATIONS

A-tentative-hold-may-be-placed-on-space-via-telephone-

Permanent-hold-on-space-must-be-done-by-letter-of-request-from-user-group-

All-non-State-user-groups-must-show-proof-of-one-million-dollar-liability insurance-for-after-hours-events-

EVENT-HOURS-

Monday---P+day- 5:00-p.m.---1:00-a.m.
Saturday-&-Sunday- 8:00-a.m.---1:00-a.m.

PINAKING-EVENT-

Meeting-between-building-staff-and-user-group-to-take-place-i-month-prior-to event-

Signed-contract-certificate-of-insurance-and-check-for-full-amount-due-2 weeks-prior-to-event-

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Maximum-period of-display- 2-weeks-
Base-Rent- Rate-range-is-based-on-size-and-complexity-of exhibit-
Minimum-rate----\$200-00/\$207-50-day-
Half-days-pro-rated- Half-days-pro-rated-

Pee-includes-electricity-if-displays-are-lighted-

PBB-SCHEDULE STATE-BUILDINGS

PRIVATE-CORPORATE-

Auditorium \$50-00/\$57-50-per-hour/\$300-00/\$345-00 maximum
Dining-Room-and/or-Patio**
Large-Conference-Room

Small-Conference-Room \$25-00/\$20-75-per-hour/\$125-00/\$143-75 maximum

STATE-AGENCIES-

Auditorium No-charge
Dining-Room-and/or
Patio
Large-Conference Room
Small-Conference Room

EQUIPMENT-AVAILABLE-

Overhead-Projector-(2) \$10-00
524-ty-s-48R \$10-00
95mm-Slide-Projector \$10-00
55-Cup-Coffee-Maker-(2) No-charge
User-supplies-full-coffee-service

All-equipment-must-be-returned-in-same-condition-received-
State-agencies-are-not-charged-for-equipment-use-

**Additional-\$100-00/\$115-00-fee-for-this-space-when-attendance-exceeds-200-

EBANING

All-after-hours-user-groups-will-be-charged-a-cleaning-fee-based-on-attendance should-the-condition-of-the-space-used-require-it-

ILLINOIS GAMING BOARD
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proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Mareile Cusack
Chief Legal Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300
Chicago, Illinois 60601
(312) 814-4700

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 26, 1995
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995
The full text of the Proposed Amendment begins on the next page:

ILLINOIS GAMING BOARD
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1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Numbers: Proposed Action:
3000.230 Amendment
3000.236 New Section

4) Statutory Authority: The Riverboat Gambling Act (230 ILCS 10).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides for amendments and additions to certain Gaming Board rules. The rules affected are as follows:

Amended Section 3000.230 to delegate to the Administrator the authority to approve particular types of transactions which currently require Board approval.

Added Section 3000.236 to set forth procedures for the renewal of an Owner's License.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
3000.300	Amendment	7490, June 9, 1995
3000.310	Repealed, New	7490, June 9, 1995
3000.320	Repealed, New	7490, June 9, 1995
3000.330	Repeal	7490, June 9, 1995
3000.340	Repeal	7490, June 9, 1995
3000.350	Repeal	7490, June 9, 1995
3000.500	Amendment	7490, June 9, 1995
3000.510	Amendment	7490, June 9, 1995
3000.614	New Section	7490, June 9, 1995
3000.616	Amendment	7490, June 9, 1995
3000.636	New Section	7490, June 9, 1995

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job Applicants
3000.155	Investigatory Proceedings
3000.160	Owner's and Supplier's Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.230	Owner's Licenses
3000.231	Distributions
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.280	Application for Registration for all Gaming Devices
3000.281	Transfer of Registration
3000.282	Seizure of Gaming Devices
3000.283	Analysis of Questioned Electronic Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

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Section	
3000.300	Objectives of Internal Control System
3000.310	Administrator Approval
3000.320	Requirements
3000.330	Review of Procedures
3000.340	Operating Procedures
3000.350	Modifications

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section	
3000.500	Time of Excursion
3000.510	Excursions During Inclement Weather or Mechanical Difficulties

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.605	Authorized Games
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.635	Issuance and Use of Tokens for Gaming in Electronic Gaming Devices
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips and Tokens
3000.660	Minimum Standards for Electronic Gaming Devices
3000.665	Integrity of Electronic Gaming Devices

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3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Security and Board Surveillance Rooms Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Security Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commissioner
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

Section
 3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Standard Financial and Statistical Records
 3000.1030 Annual Audits and Other Reporting Requirements
 3000.1040 Accounting Controls Within the Cashier's Cage
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Deposits of Admission Tax and Wagering Tax
 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

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Section
 3000.1100 Coverage of Subpart
 3000.1105 Duty to Maintain Suitability
 3000.1110 Board Action Against License or Licensee
 3000.1115 Complaint
 3000.1120 Appearances
 3000.1125 Answer
 3000.1126 Appointment of Hearing Officer
 3000.1130 Discovery
 3000.1135 Motions for Summary Disposition
 3000.1140 Proceedings
 3000.1145 Evidence
 3000.1146 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 3000.230 Owner's Licenses

- a) Overview of Licensing Procedures. Applications for Owner's Licenses shall be subject to the following procedures prior to licensure:
- 1) Investigation of the applicant and application;
 - 2) Finding of preliminary suitability;
 - 3) Assessment of the Riverboat Gaming Operation;
 - 4) Final practice Gaming excursion;
 - 5) Action of the Board; and
 - 6) Different or additional licensing procedures as required of an applicant by the Board.
- b) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and the applicant's application.
- c) Finding of Preliminary Suitability
- 1) An applicant for an Owner's License shall present to the Board in a public meeting the reasons it is suitable for licensing.
 - 2) An applicant must satisfy the Board by clear and convincing

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evidence that the applicant:

- A) Has met those requirements of Section 7 of the Act;
- B) Is a person or entity whose background, reputation and associations will not result in adverse publicity for the State of Illinois and its Gaming industry; and
- C) Has adequate business competence and experience to be a holder of an Owner's License license.
- D) The proposed funding of the entire operation shall be adequate for the nature of the proposed operation and be from a suitable source.
- 3) After presentation by the applicant, the Board shall determine whether to find the applicant preliminarily suitable for licensing.
- 4) If the Board finds the applicant preliminarily suitable for licensing, it shall issue the applicant a finding of preliminary suitability.
- 5) If the Board finds the applicant not preliminarily suitable for licensing, it shall issue the applicant a Notice of Denial.

d) Approval for Proposed Changes

1d) In addition to an applicant's and or licensee's duty under Section 3000.140 to disclose ~~changes in~~ information submitted to the Board, ~~whenever a change is proposed in the following areas~~ both an applicant or owner licensee ~~who has been found~~ preliminarily suitable for an owner's license and holders of owner's licenses must immediately inform the Board and, except as provided in subsections (d)(2) and (3) below, obtain prior formal Board approval thereof whenever a change is proposed in the following areas ~~thereof~~:

- A) Key Persons;
- B) Type of entity;
- C) Equity and debt capitalization of entity;
- D) Investors and/or debt holders;
- E) Sources of funds;
- F) Economic Applicant's economic development plans or proposals plan;
- G) Riverboat capacity or significant design change;
- H) Gaming positions;
- I) Anticipated economic impact; or
- J) Agreements, oral or written, relating to the acquisition or disposition of property (real or personal) of a value greater than \$1 million. Pro-forma budgets and financial statements;
- 2) The Board may, by resolution, delegate to the Administrator the authority to approve proposed changes listed in Section 3000.230(d)(1). Such resolution shall specify the type and, where appropriate, level or amount of the proposed changes that may be approved by the Administrator.
- 3) If the Administrator refuses to approve a proposed change, the

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Board shall review such proposal and determine whether to grant or deny formal approval.

- e) Assessment of the Riverboat Gaming Operation
 - 1) After an applicant is found preliminarily suitable for licensing, the applicant's Riverboat Gaming Operation shall be assessed to determine its effectiveness, integrity, and compliance with law and Board standards.
 - A) The matters to be assessed include:
 - i) The Gaming Operations Manager;
 - ii) Proposed Gaming Operations and use of Gaming equipment;
 - iii) The Riverboat;
 - iv) Handicapped access;
 - v) Support Facilities;
 - vi) Internal controls and operating procedures;
 - vii) Security operations;
 - viii) Staffing;
 - ix) Casualty and liability insurance;
 - x) Affirmative action hiring patterns;
 - xi) The status of the financing commitments proposed in the applicant's application;
 - xii) Information received subsequent to the preliminary finding of suitability concerning the applicant and the applicant's Key Persons;
 - xiii) Riverboat capacity and Gaming positions;
 - xiv) Fulfillment of economic development plans as submitted in the application; and
 - xv) Such other matters as the Board may require.
 - B) The Board may establish a schedule setting a timetable for the satisfactory compliance for all operations to be assessed.
 - 2) The Administrator shall report to the Board concerning whether the applicant has satisfactorily complied with subsection (e) of this Section.
 - 3) After receipt of the Administrator's report, the Board shall determine whether to authorize a final practice Gaming excursion.
 - f) Final Practice Gaming Excursion

The Board may authorize the Administrator to conduct a final practice Gaming excursion and to issue the applicant a Temporary Operating Permit if the final practice Gaming excursion is successfully completed.

 - 1) In determining whether a final practice Gaming excursion has been successfully completed, the Administrator shall assess, among other matters, the effectiveness, safety and security of the Riverboat Gaming Operation as well as the matters listed in subsection (e)(1)(A) above.
 - 2) If the Administrator determines that the final practice Gaming excursion has not been successfully completed, he shall so report

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to the Board.

- 3) If the Administrator determines that the final practice Gaming excursion has been successfully completed, he shall:

A) Upon delivery of the applicant's license fee and a file stamped copy of the applicant's \$200,000 bond to the State of Illinois posted with the Board, issue the applicant a Temporary Operating Permit; and

B) Report to the Board.

- 4) A Temporary Operating Permit allows the applicant to operate the Riverboat Gaming Operation to which it pertains until it is withdrawn or the Board takes action on the application.

5) A Temporary Operating Permit may be withdrawn by the Administrator if he determines that the Riverboat Gaming Operation to which it pertains is not suitable for continued operation. If the Administrator withdraws a Temporary Operating Permit, he shall so report to the Board.

g) Action of the Board

- 1) If the Board finds the applicant suitable for licensing, it shall issue the applicant a license.

2) If the Board finds the applicant not suitable for licensing, it shall:

A) Issue the applicant a Notice of Denial by certified mail, overnight mail or personal delivery; and

B) If the applicant has been issued a Temporary Operating Permit, return the applicant's license fee.

h) Notice of Denial

- 1) An applicant served with a Notice of Denial may request a hearing in accord with Section 3000.405.

2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's application.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3000.236 Owner's License Renewal

Upon the expiration of an Initial Owner's License, or, following a one year license renewal period, a license may be renewed for a one year period subject to the provisions of the Act and this Section 3000.236.

a) The renewal requirements shall include, but not be limited to, the following:

- 1) Beginning with the initial renewal application and no less than every third year thereafter, the licensee shall submit an owner's renewal application and the requisite Personal Disclosure Forms. For each of the two years following such a submission, the licensee shall, if authorized by the Administrator, submit in lieu of a renewal application an affidavit attesting to the veracity of all previously submitted materials and setting forth

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any information which is different from or in addition to that which had been previously submitted; in such cases, the licensee shall also submit such affidavits from all persons who would otherwise be required to file Personal Disclosure Forms. Nothing in this Section shall be interpreted to alter the duty to disclose changes in information as set forth in Section 3000.140; 2) Materials submitted pursuant to this Section shall be provided at least ninety days prior to the renewal date, and must be accompanied by the required annual licensing fee; and 3) As part of its renewal submission, the licensee shall provide documentation of the following:

A) Measures taken by the licensee to assure compliance with the Act and the rules promulgated thereunder;

B) Adherence to the economic development purposes and requirements of the Act, including conformance to specific commitments made in conjunction with an initial application or subsequent renewal applications;

C) Adherence to specific conditions or requirements adopted by the Board at the time a previous renewal was authorized;

D) Ability to maintain a financially viable gaming entity;

E) Any specific plans for changes in the financing, ownership or structure of the licensee and its substantial owner(s);

F) An assessment of the economic impact of the gaming operation on employment, business and economic development related to the State of Illinois and related to the area of the State in which the gaming operation is conducted;

G) Information relating to the licensee's or its substantial owners' involvement in gaming in other jurisdictions;

H) Verification of tax filings with the Illinois Department of Revenue during the preceding licensing period;

I) Summary of all litigation to which licensee is or was a party during the preceding licensing period;

J) Responses to specific questions or concerns raised by the Board in its renewal investigation and review process; and

K) Evidence of continued support of the licensee from its community.

b) The Board shall base its renewal of an Owner's License upon:

1) The timeliness and responsiveness of the information submitted by the holder of a license as required pursuant to Section 3000.236;

2) The Board's analysis of the owner licensee's gaming operations, including the nature, frequency, extent and any pattern of past violations of the Act and the rules promulgated thereunder;

3) The financial status and the current and projected financial viability of the entity;

4) Information on the background, character and integrity of the Key Persons, owners, directors and partners of the entity;

5) The owner licensee's pattern of compliance exhibited through quarterly, special and annual compliance reviews or audits

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- performed by the Board staff or contract audit firms;
- 6) The licensee's commitment to economic development in the community and in Illinois;
 - 7) The overall adherence of the licensee to all requirements of the Act and the rules promulgated thereunder; and
 - 8) Any other information the Board deems appropriate.
- c) Action of the Board
- 1) The Board shall act at a public meeting on the renewal of an Owner's License and may afford representatives of the licensee and members of the general public an opportunity for commenting upon the renewal.
 - 2) If the Board decides to deny license renewal, it shall direct the Administrator to issue a Notice of Denial to the licensee by certified mail or personal delivery.

d) Request for Hearing

- 1) An owner licensee served with a Notice of Denial may request a hearing in accordance with Section 3000.405.
- 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the owner licensee's application for renewal.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

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- 1) Heading of the Part: Procedural
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2520.10	Amendment
2520.560	Amendment
2520.573	New Section
2520.575	New Section
2520.577	New Section
2520.580	New Section
2520.583	New Section
2520.585	New Section
2520.587	New Section
2520.770	Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts 1-7B], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules provide procedures for Requests for Review, pursuant to a recent amendment to the Human Rights Act and technical corrections to the Department's affirmative action regulations for State agencies.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the publication of this notice with:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street

DEPARTMENT OF HUMAN RIGHTS
NOTICE OF PROPOSED AMENDMENT

Suite 10-100
Chicago, IL 60601
Telephone Number: 312-814-6242
T.D.D.: 312-263-1579

If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business subject to the Illinois Human Rights Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Although there are no bookkeeping procedures required, the regulations provide procedures for compliance with the Human Rights Act.
- C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN RIGHTS
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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520
PROCEDURAL

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents
	SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

SUBPART D: SETTLEMENTS

Section	
2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

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AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and Section 1 the Intergovernmental Cooperation Act [5 ILCS 220/1], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105 (A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, P. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: INTERPRETATIONS

Section 2520.10 Definition of Terms

For purposes of this Part, the following terms shall have the meanings indicated:

Act -- shall mean the Illinois Human Rights Act [775 ILCS 5].

Charge-- shall mean an allegation of a civil rights violation filed with or initiated by the Department, and with regard to Subpart F, one filed with a local human rights agency.

Chief Legal Counsel -- shall mean Chief Legal Counsel of the Department or a duly authorized designee.

~~Commission-----shall-mean-the-Illinois-Human-Rights-Commission-or-7-where-appropriate-a-panel-of-three-commissioners.~~

Complainant -- shall mean a person who files a charge or a complaint, including the Department in the case of a charge initiated by the Department.

~~Complaint----shall-mean-a-written-complaint-for-hearing-filed-with-the-Commission.~~

Days -- shall mean calendar days, unless otherwise stated.

~~Department-----shall-mean-the-Department-of-Human-Rights.~~

Director -- shall mean the Director of the Department or a duly authorized designee.

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SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section
2520.550 Administrative Closure
2520.560 Dismissal
2520.570 Default

SUBPART F: REQUESTS FOR REVIEW

Section
2520.573 Filing with Chief Legal Counsel
2520.575 Contents of Request for Review
2520.577 Notice by the Chief Legal Counsel
2520.580 Extension of Time
2520.583 Reply to Request for Review
2520.585 Additional Investigation
2580.587 Decision

SUBPART PG: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section
2520.610 Scope and Purpose (Repealed)
2520.620 Definitions (Repealed)
2520.630 Cooperative Agreements
2520.640 Nature of Cooperative Agreements
2520.650 Training and Technical Assistance
2520.660 Promotion of Communication and Goodwill

**SUBPART HG: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
BY STATE EXECUTIVE AGENCIES**

Section
2520.700 Definitions
2520.710 Scope and Purpose
2520.720 Affirmative Action Groups
2520.730 Consideration of Additional Groups
2520.740 Definitions (Renumbered)
2520.750 Nondiscrimination (Repealed)
2520.760 Plans
2520.770 Reporting and Record-Keeping
2520.780 Equal Employment Opportunity Officers
2520.790 Complaint Process
2520.795 Compliance Reviews
2520.797 Sanctions for Noncompliance

APPENDIX A Contents of Affirmative Action Plans
APPENDIX B Value Weight Assignment Chart

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Local Agency -- shall mean any department, commission or other instrumentality of a municipality or other political subdivision of the State of Illinois, or of two or more such political subdivisions acting jointly, which is duly established to serve purposes consistent with those of the Human Rights Act.

Party -- shall mean the complainant or respondent.

Person -- shall have the same meaning as in Section 1-103 of the Act [775 ILCS 5/1-103].

Request for Review -- shall have the same meaning as in Sections 7-101.1 and 7-112 of the Act [775 ILCS 5/7-101.1 and 7-112].

Respondent -- shall mean a person against whom a charge or complaint is filed.

Unlawful Discrimination -- shall mean any form of discrimination prohibited under the Act or under a local ordinance administered by a local agency.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2520.560 Dismissal

a) The Department shall serve upon the parties a written notice of dismissal of all or part of a charge. For charges filed before January 1, 1996, the notice will state the grounds filed before dismissal and that the complainant may obtain review by the Commission by filing a request for review within 30 ~~thirty~~ days after receipt of the notice. For charges filed on or after January 1, 1996, Subpart F of this Part shall apply and the notice shall state the grounds for the dismissal and that the complainant may obtain review by the Chief Legal Counsel by filing a request for review within 30 days after receipt of the notice.

- b) The dismissal may be based upon:
- 1) lack of substantial evidence of discrimination or lack of jurisdiction. An investigation report discussing the reasons for the dismissal shall accompany the notice of dismissal;
 - 2) complainant's failure to proceed, as provided in Section 2520.430(c) of this Part. The notice of dismissal in such cases shall specify the manner in which the complainant has failed to proceed and shall be addressed to the complainant at the last known address; or
 - 3) complainant's failure to accept a settlement offer, pursuant to Section 7A-103(D) of the Act [775 ILCS 5/7A-103(D)]. The notice in such cases shall specify the reasons for the Department's

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dismissal.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: REQUESTS FOR REVIEW**Section 2520.573 Filing with Chief Legal Counsel**

For charges filed on or after January 1, 1996, a Complainant may request review by the Chief Legal Counsel of a determination by the Director that there is no substantial evidence, that the Department lacks jurisdiction, that a charge should be dismissed for failure of Complainant to proceed, or that a charge should be dismissed for failure of a Complainant to accept a settlement offer, or a Respondent may file a request for review by the Chief Legal Counsel, of a decision by the Director to issue a notice of default, by filing a request for review with the Chief Legal Counsel at the Department's Chicago office within 30 days after receipt of the Department's notice of its decision.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 2520.575 Contents of Request for Review

A request for review must state the reasons the party disagrees with the Director's decision. A request for review may also present relevant or supporting documents and/or identify witnesses with direct knowledge and state how to contact each named witness. If such names or documents were not previously provided to the Department, in order for them to be considered, good cause must be shown, during the Department's investigation, for not providing such names or documents.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 2520.577 Notice by the Chief Legal Counsel

- a) When the Chief Legal Counsel receives a timely filed request for review, he/she shall notify the Director and all other parties of its filing.
- b) The Chief Legal Counsel shall notify a party that its request for review will not be considered by the Chief Legal Counsel:
- 1) if an untimely request for review is filed with the Chief Legal Counsel and a timely request for an extension has not previously been filed; or
 - 2) if a party files an untimely request for an extension.
- (Source: Added at 19 Ill. Reg. _____, effective _____)

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default that is sustained, a copy of the order shall be served on the Human Rights Commission, so that it may conduct further proceedings pursuant to Section 7-101.1(C) of the Act.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART GP: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section 2520.610 Scope and Purpose (Repealed)

(Source: Repealed at 18 Ill. Reg. 16829, effective November 4, 1994)

SUBPART G H: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION BY
STATE
EXECUTIVE AGENCIES

Section 2520.770 Reporting and Record-Keeping

a) Employment Profiles--As required by Section 2-105(B) of the Act, each agency shall maintain data reflecting the composition of its workforce at each geographical location, by race, national origin as specified by the Department, sex and disability, EEO job categories, and any other category which the Department may require by rule. This information shall be collected from the agency's employees through the use of a form, developed by Central Management Services and approved by the Director, which shall be completed by each employee and applicant for employment at his/her option. Central Management Services shall compile this data and furnish quarterly reports to each agency and the Department depicting the employment profile of each agency under the Personnel Code [20 ILCS 415] ~~that--Rev--Stat--1991-CH--127--PAR--127B101-et-seq--7~~. Other agencies, and agencies under the Code having non-Code employees, shall compile this data themselves and provide it to the Department.

b) Position Vacancies--Each agency shall maintain a centralized record detailing all its current and anticipated job openings, and indicating for each such opening the job title, EEO job category, pay grade or merit compensation level, and geographical location. This information shall be supplied to the agency's EEO Officer, and to the Department upon request. Every agency shall also post conspicuously in its offices all vacancies in nonexempt positions which the agency intends to fill, if the vacant position is one where the proportion of incumbents in one or more affirmative action group(s) is significantly less than the proportion of such group(s) in the available local labor force. The posting shall also state that the agency is an Equal Opportunity Employer.

c) Quarterly Reports--No later than 15 working days after receipt of the CMS-DHR9 and CMS-DHR10 data information at the end of each fiscal

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Section 2520.580 Extension of Time

a) For good cause shown, a party may request in writing an extension of time to file a request for review of no more than 14 days. A request for an extension of time must be filed with the Chief Legal Counsel no later than the deadline for filing the request for review and will be granted if the Chief Legal Counsel determines that good cause has been established; such a determination shall be mailed to the party who has filed a request for an extension.

b) If a party files a timely request for an extension that is granted but does not file a request for review on or before the extended deadline, the Chief Legal Counsel will consider the request for review to be one filed without evidence or argument.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 2520.583 Reply to Request for Review

When a party files a request for review, the Chief Legal Counsel may request other parties and the Department to submit a reply to the request for review. Such reply must be received within 14 days after the request by the Chief Legal Counsel.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 2520.585 Additional Investigation

If the Director or staff attorney conducts an additional investigation pursuant to Section 7-101.1(B) of the Act that affects the findings of the Chief Legal Counsel, the Chief Legal Counsel shall include the pertinent findings of such investigation in the order entered pursuant to Section 2520.587 of this Part.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 2520.587 Decision

If the Chief Legal Counsel determines that the Director's decision should be sustained, he/she shall enter an order stating the findings and reasons therefor. Otherwise, the Chief Legal Counsel shall order that the dismissal of default be vacated and that the charge be returned to the Charge Processing Division of the Department for additional work or that a substantial evidence finding be entered. The Chief Legal Counsel shall immediately cause the order to be served on the Director and all parties to the charge. In the case of a

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quarter, every agency shall file with the Department a report. If an agency submits a written request for an extension within 15 working days after receipt of the CMS-DHR10 data information, the Director may grant an extension of up to 15 days. The report, signed by the EEO Officer and Chief Executive Officer, shall contain:

- 1) A current employment profile of each of the agency's departments or divisions by EEO job category and affirmative action group(s) of the incumbents.
- 2) A breakdown of all employment transactions for the previous quarter by EEO job category and the affirmative action group(s) of the employee(s) affected.
- 3) A statement on the agency's progress in meeting its numerical and/or program goals. If a numerical or program goal is not attained, the agency should provide an explanation for the failure to meet the goal.
- 4) A list of vacancies, by EEO job category, classification, and pay grade or merit compensation level, that the agency intends to fill during the next quarter. Underutilized categories should be indicated.
- 5) A narrative describing all charges and complaints of employment discrimination filed or pending against the agency during the previous quarter. The narrative should identify the facility or geographical location out of which the charge or complaint was filed; the organization with whom it was filed; and the current status of the matter, including whether pending, withdrawn, settled or dismissed.

d) Annual Reports--By August 15 of each year, every agency shall submit to the Department a report, signed by its EEO Officer and Chief Executive Officer. If an agency submits a written request for an extension before August 15, the Director may grant an extension of up to 30 days. The report shall include cumulative data for the full year of the same sort as required under subsection (c)(1) and ~~that~~ above, as well as a narrative by the agency's Chief Executive Officer describing the extent to which the agency's yearly numerical and program goals were achieved and the reasons for any unmet goals.

e) Federal Compliance Reports--Any agency which is the subject of an EEO compliance review by the federal government shall forward to the Department a copy of any and all that reports ~~report~~ within 5 working days after the agency's receipt thereof.

f) Orders and Settlements--Any agency which is a party to any proceedings, whether judicial or administrative, and whether federal or state, involving allegations of employment discrimination shall forward to the Department a copy of any order, decree, settlement agreement or award which decides or disposes of such proceedings within 15 days after the entry thereof.

g) Layoff Reports--Each agency shall prepare a layoff report outlining any intended layoff of incumbent employees. The report shall be submitted to the agency's EEO Officer and the Department not less than

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30 days prior to the expected date of the layoff, unless emergency conditions necessitate a delay of the report; however, such conditions must be documented in the report. The report shall identify, by geographical location, job title and affirmative action group, the employees to be affected by the layoff. The agency's EEO Officer shall review the report to determine if the layoff will have an adverse impact upon minorities, women or disabled persons. The EEO Officer shall submit a written adverse impact report to the Chief Executive Officer and to the Director of his/her findings and, if adverse impact is found, suggested alternatives to lessen or eliminate such impact. The Director of Central Management Services will not approve a layoff until the Director has indicated that the adverse impact report is correct.

h) Reorganization Reports--Any proposed workforce reorganization which significantly changes lines of authority, wages or job duties and descriptions on an agency-wide basis, or throughout any bureau, division or unit of the agency, must be described in a reorganization report and submitted to the agency's EEO Officer at least 30 days prior to implementation. The agency's EEO Officer shall review the report to determine whether it will have an adverse impact upon minorities, women or disabled persons, and shall submit an adverse impact report, within 15 days after receipt of the reorganization report, to the agency's Chief Executive Officer and the Department. If the EEO Officer determines that an adverse impact is apparent, he/she shall include in the adverse impact report recommendations to lessen such impact.

i) Hiring and Promotion Monitor--A hiring and promotion monitor shall be developed by each agency and completed on all hires and promotions, indicating the EEO job category and classifications of the position and whether it is an underutilized category. The monitor shall also indicate the race, sex, whether disabled, and national origin of all persons considered for the position and of the candidate, and whether the candidate meets the affirmative action requirements for that category. If the candidate does not meet the affirmative action requirements for that category, a detailed explanation indicating the reasons for the desired selection must be completed by the hiring officer and attached to the monitor. No hire or promotion commitment shall be made until the agency EEO Officer, or designee, has reviewed and signed the monitor indicating approval of the transaction. Central Management Services shall not complete any hire or promotion transaction if it has not received the approved monitor.

j) Exit Questionnaire--Each agency shall provide an exit questionnaire to employees at the time of their separation from employment, whether voluntary or involuntary. The questionnaire shall identify the employee by name and affirmative action group, job title and location, date of separation, and reason(s) for separation, and shall include space for the employee's comments. Completion of the questionnaire shall be at the employee's option. Completed questionnaires shall be

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forwarded immediately to the agency's EEO Officer.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Part-Time Basic Training2) Code Citation: 20 Ill. Adm. Code 17703) Section Numbers: Proposed Action:

1770.101 New Section
1770.102 New Section
1770.103 New Section
1770.104 New Section
1770.105 New Section
1770.201 New Section
1770.202 New Section
1770.203 New Section
1770.204 New Section
1770.205 New Section
1770.206 New Section
1770.207 New Section
1770.208 New Section
1770.209 New Section
1770.210 New Section
1770.301 New Section
1770.302 New Section
1770.303 New Section
1770.304 New Section
Appendix A New Section

4) Statutory Authority: Implementing and authorized by Section 10 of the Illinois Police Training Act [50 ILCS 705/10].

5) A Complete Description of the Subject and Issues Involved: This part creates a process to provide for mandatory part-time police basic training throughout the State of Illinois through the mobile team training system.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this Part? No.

10) Statement of Statewide Policy Objections: This rulemaking will affect units of local government insofar as it establishes by rule what the statutory requirements are for part-time police basic training. Only part-time police throughout the State of Illinois will be required to receive this training. Not all units of local government in the State of

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Illinois have part-time police.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for period of 45 days following publication of this notice to:

Kevin T. McClain

Illinois Law Enforcement Training and Standards Board
600 South Second Street, Suite 300
Springfield, Illinois 62704
217/782-4540

- 12) Initial Regulatory Flexibility Analysis: This rules does not directly affect small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: the Board did not anticipate this rulemaking at the time the regulatory agenda was formulated.

The full text of the Proposed Rules begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT

PART 1770

PART-TIME BASIC TRAINING

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
1770.101	Definitions
1770.102	Veracity of Information
1770.103	Confidentiality of Information
1770.104	Board Review
1770.105	

SUBPART B: TRAINING PROCEDURES AND REQUIREMENTS

Section	Training Standards
1770.201	Minimum Curriculum Requirements
1770.202	Certification of Facilities
1770.203	Standards and Requirements
1770.204	Minimum Requirements of the Recruit
1770.205	Procedures for Administration of Part-Time Police Officers
1770.206	Certification Examination
1770.207	Wellness Standards
1770.208	Qualifications of Part-Time Police Instructors
1770.209	Direct Supervision
1770.210	Work Station Activities

SUBPART C: TRAINING THROUGH MOBILE TEAM

Section	General Provisions
1770.301	Applications
1770.302	Budget
1770.303	Board Decisions
1770.304	

APPENDIX A Physical Fitness Standards

AUTHORITY: Implementing and authorize by Section 10 of the Illinois Police Training Act [50 ILCS 705/10].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 1770.101 Purpose and Scope

Unless otherwise indicated, the rules set forth in this Part provide the general requirements and procedures which are applicable for the training of all part-time police officers.

Section 1770.102 Definitions

- a) The definitions of terms used in this Part are the same as those found in the Illinois Police Training Act (Act) [50 ILCS 705].
- b) Notwithstanding subsection (a) of this Section, the following terms are defined for purposes of this Part:

"Act" means the Illinois Police Training Act [50 ILCS 705].

"Coordinator" means an employee of the mobile team who manages and directly supervises the ongoing operations of the mobile team.

"Director" means the Executive Director of the Illinois Police Training Board.

"Full-time" police officer means a law enforcement officer who is employed by one or more local governmental agencies and works 25 hours or more per week on a regular basis.

"In-Service Training Act" means the Illinois Intergovernmental Law Enforcement Officers In-Service Training Act [50 ILCS 720].

"Mobile Team" means the organization established as a Mobile Team In-Service Training Unit (see 50 ILCS 720/2).

"Module" means any segment of the part-time basic training for part-time police which is established by the Board as a unit of instruction within the part-time basic training course.

"Module Test" means those examinations created by the Board which are administered at regional training facilities following the successful completion of a Board-approved module.

"Monitor" means that person on location at a training site who is responsible for ensuring training and training records are being properly gathered and maintained.

"Part-time police officer" means a law enforcement officer who is employed less than 25 per week by one or more local governmental agencies and is a member of the duly authorized police department.

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"POWER-test" means the physical fitness standards established pursuant to 20 Ill. Adm. Code 1720.30(h).

"Recruit" means a probationary part-time police officer who has not received a Board certificate attesting to the successful completion of the part-time police basic training course.

"Regional Training Facilities" means those designated facilities approved by the Board where probationary part-time police officers must convene at times determined by the Board for in-person direct training.

"Seasonal part-time police officer" means a part-time police officer who is hired on a seasonal basis and works no more than 6 months of a calendar year.

"Unit of Instruction" means that course of instruction which is combined with other courses in instruction to form a module.

"Work Stations" means those designated facilities approved by the Illinois Law Enforcement Training and Standards Board where probationary part-time police officers can receive distance training under this Part.

Section 1770.103 Veracity of Information

No person shall make any false or misleading statement, representation or certification of any record, report or any other document filed with the Board or required by the Board. In the event records, reports or other documents are determined to be not in compliance with this Section, the Board may take appropriate action, including, but not limited to, disqualifying, dismissing or prosecuting said person.

Section 1770.104 Confidentiality of Information

- a) Claims of confidentiality must be asserted, at the time of submission, by stamping the words "Confidential Business Information" on each page containing such information. No information will be submitted to parties involved in litigation without subpoenas.
- b) Claims of confidentiality on the following information will be denied: Name and address of any applicant for reimbursement; Financial data submitted to the Board in order to provide matching funds.
- c) Notwithstanding the provisions of subsection (a), the Board will adhere to the provisions of the Freedom of Information Act [5 ILCS 140]. Personal and private information may be acquired from the Board with the signed consent of the interested person.
- d) Information received by any mobile teams created pursuant to the

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Illinois Intergovernmental Law Enforcement Officers In-Service Training Act [50 ILCS 720] shall be treated as information received by the Board under subsections (a) and (b) of this Section.

Section 1770.105 Board Review

The Board shall be responsible for annually reviewing the curriculum of the Part-Time Basic Training Course. The Board shall, as changes in the law or training techniques occur, make modifications in the Part-Time Basic Training Course.

SUBPART B: TRAINING PROCEDURES AND REQUIREMENTS**Section 1770.201 Training Standards**

- a) The Board shall establish training standards and curriculum for the implementation of the Part-Time Basic Training Course.
- b) Except as provided for in Section 8.1 of the Illinois Police Training Act, every recruit must successfully complete the Part-Time Basic Training Course to be a certified part-time police officer.

Section 1770.202 Minimum Curriculum Requirements

- a) The Board shall annually review the Part-Time Basic Training Course to update and improve the minimum basic training requirements to ensure the course is of similar content and number of hours as the courses for full-time officers.
- b) The Board's mandated training course may be reviewed and modified at any time by the Board. Nevertheless, the approved curriculum will include, but not be limited to, the following:
 - 1) The Peace Officer Firearm Training Act [50 ILCS 710]; and
 - 2) Those curriculum courses and topics established in Section 7 of the Act.

Section 1770.203 Certification of Facilities

- a) The Board shall certify those work-stations, regional training facilities and other facilities which satisfy the requirements described in this Part and which are necessary to effectively provide part-time basic training. In making the latter determination, the Board shall consider the economic feasibility of offering training at a particular location and the economic feasibility of offering training. On-site inspections shall be conducted on a regular basis by the coordinator, an employee of the mobile team or the Board to determine the adequacy of facilities and administration.
- b) In certifying facilities for training under this Part, the Board will ensure that work stations are available and accessible to recruits. A Board-approved facility monitor shall log in and log out all recruits.

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Proper identification of the recruit must be provided at the time the recruit logs in.

- c) In certifying facilities for training under this Section, the Board will ensure the facility maintains records of all training activities as prescribed by the Board. Said records shall be maintained by the Chief Administrator of said facility until said time as they are transferred to the coordinator of the designated mobile team of the region.
- d) Each facility shall establish a designated area for part-time basic training which enhances the training opportunity and provides adequate space and solitude, and shall post therein a symbol or notice that training is in progress when a recruit is undergoing training.
- e) The Chief Administrator is responsible for ensuring that all materials, equipment and videos at the facility remains at the facility where the training occurs.

Section 1770.204 Standards and Requirements

- a) Each mobile team with a part-time basic training course in its region shall operate under the guidelines set forth in this Part.
- b) The coordinator of the mobile team shall assume the responsibility of the overall supervision of the course, including, as determined by the Board, the maintaining and grading of tests, the maintaining of all records, rating of course notebooks, arranging for instructors as approved by the Board, providing for food and lodging where appropriate, arranging for adequate training facilities, such as work stations, regional training facilities, firearms courses, gymnasiums, auditoriums, driving and running courses, and maintaining and overseeing the conduct and discipline of recruits. The coordinator, in consultation with the Director, shall choose before the course begins which work station or regional training facility each recruit shall attend.
- c) Each mobile team shall maintain complete records for each recruit. The records shall include, but not be limited to, the attendance and performance ratings of the recruit, including test scores for every written or oral test, during the Part-Time Basic Training Course. All records gathered by the mobile team or other facilities approved by the Board shall be maintained in accordance with the State Records Act and, for purposes of this Part, shall be deemed to be the records of the Board and held confidential. No records shall be released, disseminated or published except through the Board and with the Board's permission.
- d) The coordinator shall be responsible for submitting to the Director a class roster of all recruits who attend the part-time basic training. Attendance by recruits is mandatory. The coordinator shall make the final determination whether a recruit has satisfactorily passed all reasonable standards and requirements during regional training. The coordinator shall have the authority to dismiss from the Part-Time

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Basic Training Course regional training facility any recruit who fails to comply with the standards established in Section 1770.205 of this Part. Upon such dismissal action, the coordinator shall submit a written report within 7 calendar days to the Director. The recruit shall have the opportunity within 7 days to submit a written report to the Director describing the recruit's version of the event. The Director has the discretion to determine whether the action of the coordinator should be ratified.

Section 1770.205 Minimum Requirements of the Recruit

- a) Attendance at all sessions is required. In order to successfully complete the Part-Time Basic Training Course, the recruit shall attend all training sessions.
- b) Maintenance of an adequate classroom notebook is required. Factors to be considered in rating the notebook are neatness, legibility, accuracy and sufficiency of content. "Adequate," for purposes of this subsection refers to:
 - 1) Neatness. Concise organization of the notes. All notes and handouts will be placed in the book received during the course. Dividers into topics are required; and
 - 2) Legibility. Recording of notes in brief, clear complete sentences. Underlining the important items; and
 - 3) Accuracy. The notes taken in class must precisely reflect the content of the class; and
 - 4) Sufficiency of content. Recording in the recruit's notebook should be in the recruit's own words. The recruit should strive to achieve condensation of the material clearly and concisely.
- c) Qualifications in the use of firearms as required by the Peace Officer Firearm Training Act [50 ILCS 710] is required.
- d) The recruit shall successfully pass the Board's written module test for each module. Successful completion of a module test is required to successfully complete the module. The module tests shall be administered during regional training sessions unless otherwise determined by the Director. A second failure of any module test shall necessitate the retaking of the module. If the recruit again fails the module test after retaking the module, the recruit will not be allowed to continue the Part-Time Basic Training Course and must forfeit the position. In the event the recruit failed two different module testing segments, the recruit will not be allowed to continue the Part-Time Basic Training Course and must forfeit the position.
- e) A recruit must successfully pass every module before being eligible to take the Board's Part-Time Police Certification Examination.
- f) The Director shall establish standards of conduct for the recruit while he or she is taking the Part-Time Basic Training Course. These shall include demeanor, deportment and compliance with the discipline and regulations of the facility or course.
- g) Each recruit and hiring agency shall provide, on a form prescribed by

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the Board, certification that the recruit is a person of good character and has not been convicted of a felony offense or a crime involving moral turpitude. A recruit shall immediately, in writing, keep the Board notified of all arrests and convictions while the recruit is undergoing part-time basic training.

- h) Each recruit employed on or before December 31, 1995, who has not been awarded a certificate attesting to his successful completion of the Part-Time Basic Training Course as prescribed by the Board by December 31, 1997, must forfeit his position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waivers shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 24 months. Good and justifiable reasons for a waiver include, but are not limited to, unavailability of facility space for training, illness or disability, and the need for the recruit to serve the department during the probationary period.
- i) Each recruit employed on or after January 1, 1996, who has not been awarded a certificate attesting to his successful completion of the Part-Time Basic Training Course as prescribed by the Board within 18 months after his initial part-time employment, must forfeit his position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waivers shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 18 months. Good and justifiable reasons for a waiver include, but are not limited to, unavailability of facility space for training, illness or disability, and the need for the recruit to serve the department during the initial probationary period.
- j) Each recruit will bring such equipment to training sessions as is required by the Director.
- k) A recruit shall pass the State Part-Time Certification Examination to qualify as a part-time police officer, except as is otherwise provided for in the Act.
 - 1) The test shall be in writing. It shall be administered by the staff of the Board, or such other testing company or association expressly authorized by the Board; and
 - 2) The Board shall establish a minimum passing score. In establishing the minimum passing score, the Board will ensure that the score reflects the knowledge and competency of the recruit for law enforcement work. The minimum passing score will be established by the Board within the range of 60 to 80 percent of the total score. At the beginning of each training course the minimum passing score will be announced; and
 - 3) The content of the test for law enforcement officers may include, but not be limited to, material in the areas as specified in Section 7(b) of the Act and subjects covered in the Peace Officer Firearm Training Act [50 ILCS 710]; and
 - 4) The content of the test for part-time officers may include, but

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not be limited to, materials in the areas specified in 20 Ill. Adm. Code 1770.202; and

5) The Board shall at least biennially review the content of the exam and minimum passing score to ensure they are current and reliable.

Section 1770.206 Procedures for Administration of Part-Time Police Officers Certification Examination

- a) The Certification Examination will be administered to all recruits who successfully complete the Part-Time Basic Training Course certified by the Board.
- b) Recruits who successfully pass the Certification Examination shall be eligible to receive certification attesting to their successful completion of the part-time basic training requirements.
- c) Examination scores will be reported in writing to the Chief Administrator after the recruit's employing agency within 14 days after the examination date.
- d) Part-time police recruits are required to successfully complete the Certification Examination on one occasion only. There are no requirements for re-qualification.
- e) Only recruits who have been certified by the Board as having met all the requirements of having successfully completed the Part-Time Basic Training Course are eligible to take the Part-Time Certification Examination.
- f) Each recruit must be a part-time police officer and be employed by a local law enforcement agency.
- g) In the event the recruit fails to successfully complete the Certification Examination on the initial administration, he or she will be allowed to re-take the Certification Examination a maximum of two times. Failure of this test shall result in the recruit not being eligible for certification and the recruit must forfeit his/her position.
- h) In order to be eligible to re-take the Certification Examination, a written request must be submitted by the Chief Administrator of the employing agency. Upon receipt of the written request, the Board shall administer the re-take examination, except as may otherwise be provided in subsection (o).
- i) Part-time police officers who initially fail to successfully complete the Certification Examination will be administered an alternate version of the Certification Examination on any successive re-take(s).
- j) The Board will establish and publish the locations with the dates and times for the administration of re-take examinations. Such exams will be given at least twice every six months.
- k) The Certification Examination will be administered at regional training facilities on the last Saturday of the last month of the Part-Time Basic Training Course.
- l) The recruit will have 3.5 hours to complete the Part-Time

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Certification Examination. A recruit will be excused from completing the examination at that session if he/she is ill and excused by the proctor.

- m) Individuals allowed within the testing area will be limited to Board-approved examination proctors and those who are taking the examination.
- n) Any recruit who is uncooperative, disruptive or is thought to be cheating during the administration of the Certification Examination will be ordered by the proctor to turn in his or her examination and to leave the examination area. A complete written report of the incident will then be submitted to the Director of the Board and the Chief Administrator of the officer's employing agency. The offending recruit shall have the opportunity within seven days to submit a written report to the Director describing the recruit's version of the event. In such cases it will be left to the discretion of the Director to determine whether the officer has forfeited the examination and whether the recruit is eligible to re-take the Certification Examination. The Director's determination will be based on the nature of the officer's misbehavior and on the supporting evidence of such misbehavior.
- o) Successful completion of the Part-Time Certification Examination will not be deemed equivalent to or sufficient in and of itself to render said part-time police officer eligible to obtain a waiver of full-time law enforcement basic training or a certificate attesting to equivalent training as a full-time law enforcement officer.

Section 1770.207 Wellness Standards

- a) Each probationary part-time police officer employed on or after January 1, 1996 shall successfully complete the Board's physical fitness tests before being allowed to begin the Part-Time Basic Training Course.
- b) Each probationary part-time police officer employed before January 1, 1996 shall successfully complete the Board's physical fitness tests before beginning the physical skills unit.
- c) Prior to being allowed to attempt any part of the POWER test, each probationary part-time police officer shall provide in writing to the coordinator, on a form approved by the Board, a medical release and authorization report signed by a licensed physician which indicates that physically the officer is fit medically to take the POWER test.
- d) The coordinator shall have the responsibility of scheduling the administration of the Board's Physical Fitness Training Standards as described in subsection (e) of this Section and following procedures as prescribed by the Board.
- e) Every recruit shall be required to perform and successfully complete all of the Board's physical fitness tests in the sequence delineated in this Section. The tests shall be as follows:
 - 1) Every recruit shall meet the Board's sit and reach standard as

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- defined in Appendix A.
- 2) Every recruit shall meet the Board's one minute sit-up standard as defined in Appendix A.
 - 3) Every recruit shall meet the Board's benchpress standard as defined in Appendix A.
 - 4) Every recruit shall meet the Board's 1.5 mile run standards as defined in Appendix A.
 - f) If a recruit fails to meet any standard in subsection (e) of this Section, the coordinator is authorized to administer a re-test of that specific test on one more occasion. The re-take of a test must be administered between 48 and 72 hours after the conclusion of the recruit's first physical fitness test.
 - g) If a recruit fails to meet the requirements set forth in subsections (e) and (f) of this Section, the recruit shall not be eligible to proceed with part-time basic training.
 - h) A recruit described in subsection (b) of this Section shall be allowed to successfully complete the requirements set forth in subsection (e) and (f) at any Board-approved POWER Test sites within 45 days prior to beginning the physical skills unit.

Section 1770.208 Qualifications of Part-Time Police Instructors

- a) A person wishing to be a part-time police basic training instructor shall submit a written application to the Board on a form prescribed by the Board.
- b) The Police Training Board shall certify instructors for purposes of providing training to recruits under this Part. The Police Training Board shall examine the educational background and/or experience to determine whether the instructor has sufficient experience and education to meet the instructional demands that will be made of him/her. The instructor shall be a person of personal integrity and have a sincere interest and desire to impart his/her knowledge and experience to the recruits.
- c) The Director shall decide whether a particular instructor meets the qualifications set forth above. This decision shall be based on investigation of the credentials of the particular instructor.

Section 1770.209 Direct Supervision

All probationary part-time police officers hired on or after January 1, 1996 shall be directly supervised at all times by a Board certified full-time law enforcement officer. Direct supervision requires in-person oversight and control with the supervisor having final decisionmaking authority as to the actions of the recruit during duty hours.

Section 1770.210 Work Station Activities

- a) Every work station approved by the Board shall be situated in an area

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- that is available and accessible.
- b) Only one recruit may use a work station at a time.
 - c) Every recruit shall log in and log out when using a work station. The recruit shall be present at the work station when logged in.
 - d) The approved work station facility shall maintain accurate record of a recruit's use of a work station.

SUBPART C: TRAINING THROUGH MOBILE TEAMS

Section 1770.301 General Provisions

- a) Unless otherwise stated, the provisions contained in 20 Ill. Adm. Code 1740 shall apply. In the event a conflict between provisions arises, the provisions set forth in this Part regarding the training of part-time police officers shall prevail.
- b) Matching funds by mobile teams for training of part-time police officers by a mobile team may include salary contributions of full-time law enforcement and part-time police officers while they attend training.

Section 1770.302 Applications

- a) In addition to the application requirements set forth in Part 1740, the mobile team shall include projections for the training of part-time police officers.
- b) In the event that the mobile team underestimates or overestimates the number of probationary part-time police officers, the mobile team shall immediately inform the Board in writing.
- c) The coordinator of the mobile team shall submit to the Board a monthly report updating the Board of its progress in training probationary part-time police officers.

Section 1770.303 Budget

- a) The mobile team shall budget for the training of part-time and probationary part-time police officers.
- b) The mobile team budget shall be prioritized to first provide for part-time basic training of probationary part-time police officers as set forth in the Act.
- c) The Board's approval of any mobile team budget shall be conditioned to provide for part-time basic training as required in the Act and contained in this Part.
- d) In the event a Board approved budget must be changed by a mobile team to conform with this Section, the mobile team shall submit revised applications to the Board for further Board approval.
- e) Matching funds required for the non-operational budget requirements under the In-Service Training Act for this Part shall include, but not be limited to, only the salaries of law enforcement probationary

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part-time and part-time police officers.

Section 1770.304 Board Decisions

The mobile team and its coordinator shall adhere to and follow all directives established by the Board in the course of scheduling, training and certifying part-time police officers. These requirements include, but are not limited to, using Board prescribed forms, following disciplinary and certification requirements established by the Board, providing recordkeeping, maintaining supervisory relationships with recruits and facilities, maintaining confidential materials or information deemed confidential by the Board, and informing the Board of its activities, financially and operationally, in the implementation and development of part-time basic training.

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Section 1770 APPENDIX A Physical Fitness Standards

1. SIT AND REACH TEST: This is a measure of the flexibility of the lower back and upper leg area. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems. The test involves stretching out to touch the toes beyond the extended arms from the sitting position. The score is in the inches reached on a yard stick with 15" being at the toes.

MALE AGE

FEMALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus	20-29	30-39	40-49	50-59	60 Plus
Sit and Reach	16.0	15.0	13.8	12.8	12.0	18.8	17.8	16.8	16.3	15.0

2. 1 MINUTE SIT UP TEST: This is a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve the use of force and is an important area for maintaining good posture and minimizing lower back problems.

MALE AGE

FEMALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus	20-29	30-39	40-49	50-59	60 Plus
1 Minute Sit Up	37	34	28	23	18	31	24	18	13	5

3. 1 REPETITION MAXIMUM BENCH PRESS: This is a maximum weight pushed from the bench press position and measures the amount of force the upper body can generate.

MALE AGE

FEMALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus	20-29	30-39	40-49	50-59	60 Plus
Maximum Bench Press Ratio	.98	.87	.79	.70	.65	.58	.52	.49	.43	.42

4. 1.5 MILE RUN: This is a timed run to measure the heart and vascular systems' capability to transport oxygen. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardiovascular problems. The score is in minutes and seconds.

MALE AGE

FEMALE AGE

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TEST	20-29	30-39	40-49	50-59	60 Plus	20-29	30-39	40-49	50-59	60 Plus
1.5	13.46	14.31	15.24	16.21	17.38	16.21	16.52	17.53	18.44	19.39
Mile Run										

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1) Heading of the Part: Child Support Enforcement2) Code Citation: 89 Ill. Adm. Code 1603) Section Numbers: Proposed Action:

160.10	Amendment
160.60	Amendment
160.61	New Section
160.62	New Section

4) Statutory Authority: Sections 10-17.7 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-17.7 and 12-13] and Public Acts 88-687 and 89-6.

5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 88-687 and Public Act 89-6, these proposed amendments establish the administrative process to determine paternity. The Department can use an administrative order to establish paternity and support obligations for a child born out of wedlock who receives cash or medical assistance. The administrative order does not require the caretaker relative and the noncustodial parent of a child born out of wedlock to appear in court to establish paternity or support obligations.

These proposed amendments establish the provisions for the Department's use of the administrative process to establish paternity. The Department will establish the paternity of a child, in Title IV-D cases, through the administrative process wherein the court has not acquired jurisdiction previously, in matters involving:

1. a non-marital child for whom paternity has not been established and support is sought from the alleged father;
2. a non-marital child for whom paternity has not been established who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
3. presumed paternity as set forth in Section 5(a)(1), (2) and (3) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1), (2) and (3)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers.

As a result of this rulemaking, following the IV-D client interview, the Department will contact and interview:

1. the alleged father to establish paternity and support obligations; and

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2. the mother to establish an alleged father's paternity of a child, where the alleged father or a caretaker relative other than the mother has physical custody of the child, and to establish the support obligation of the alleged father, the mother, or both.

The purpose of contact and interview will be to obtain relevant facts, including information concerning the child's paternity and responsible relative income, necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

This rulemaking also establishes the provisions for providing a notice of alleged paternity and support obligation to the alleged father and alleged mother and the presumed father from whom child support is sought. The Department will notify each Title IV-D client of the date, time and place of the alleged father interview and that the client must attend the interview.

As a result of these proposed amendments, the Department will enter an administrative paternity order finding the alleged father to be the father of the child where:

1. the alleged father and the child's mother and any presumed father have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the implications of signing such an acknowledgment;
2. the alleged father and the child's mother and any presumed father have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
3. the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
4. the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
5. the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily

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- signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
6. the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing in a case where an adult other than a parent of the child has physical custody of the child;
 7. the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment; or
 8. the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1.

This rulemaking also establishes that the Department will make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father. In addition, an acknowledgment of paternity or agreement to be bound by the results of genetic testing will not be valid when the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the acknowledgment of paternity or agreement to be bound by the results of genetic testing, except where the mother or alleged father is head of his or her own household with the child for whom paternity is being determined.

These proposed amendments also establish that the Department will conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child for whom paternity has not been established. The demonstration program will commence with the effective date of these amendments or upon receipt of any federal waivers necessary for implementation, whichever is later. The establishment of paternity within six months of application or redetermination will be a condition of eligibility for AFDC and Medicaid. The Department, rather than the court, will administratively establish paternity and establish child support or medical support in a contested AFDC/Medicaid case. No one whose child is not dependent on assistance will be subject to the administrative system. The only exception to the AFDC requirements will be those cases where the

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mother provides a sworn statement attesting the fear of abuse by the putative father against her.

Under the demonstration program, the custodial parent and non-marital child for whom paternity has not been established will receive assistance for no longer than six full months unless:

1. the paternity of the child is established before the beginning of or within the six month period;
2. the custodial parent has fully cooperated with efforts to establish the child's paternity, but through no fault of the parent, paternity has not been established;
3. the custodial parent begins to receive assistance while a court action to establish the child's paternity is pending and the parent continues to cooperate with the Department's efforts to establish paternity;
4. the custodial parent has not yet given birth to the child;
5. the putative father of the child is incarcerated out of state and inaccessible to the process for establishing paternity; or
6. the putative father of the child is deceased and the custodial parent provides verification of his death.

In all cases in the demonstration program, the six month paternity establishment period will be abated for any of the following reasons:

1. the custodial parent and non-marital child or children for whom paternity has not been established do not receive cash assistance benefits, unless they are not receiving cash assistance due to refusal or failure to cooperate in the paternity establishment process; or
2. the non-marital child or children for whom paternity has not been established reside with a caretaker relative who is not a custodial parent or alleged father.

In all cases where the six month paternity establishment period was abated for either of these reasons, the six month paternity establishment period will resume as of the month such reason no longer exists.

Unless the Department determines there is good cause for refusing to cooperate, a custodial parent of a non-marital child in the paternity establishment and continued eligibility demonstration program, must cooperate in the Department's efforts to establish the paternity of any non-marital child for whom paternity has not been established. These proposed amendments provide the guidelines for determining cooperation

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with the Paternity Establishment and Continued Eligibility Demonstration Program.

Companion amendments are also being proposed in 89 Ill. Adm. Code 104.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

160.70 Amendment October 6, 1995 (19 Ill. Reg. 13775)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

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13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments is identical to the text of the
Emergency Amendments which appears in this issue of the Register on page

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1) Heading of the Part: Practice in Administrative Hearings2) Code Citation: 89 Ill. Adm. Code 1043) Section Numbers: Proposed Action:

104.105	New Section
104.207	New Section
104.213	New Section
104.249	New Section

4) Statutory Authority: Sections 10-17.7 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-17.7 and 12-13] and Public Acts 88-687 and 89-6.5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 88-687 and Public Act 89-6, these proposed amendments are necessary to establish the administrative process to determine paternity. The Department can use an administrative order to establish paternity and support obligations for a child born out of wedlock who receives cash or medical assistance. The administrative order does not require the caretaker relative or the noncustodial parent of a child born out of wedlock to appear in court to establish paternity or support obligations.

These proposed amendments establish the provisions for the conduct of hearings on petitions for release from administrative paternity orders, the notice of contested paternity hearings, the demand for judicial jury trial in contested paternity hearings and genetic testing in contested paternity hearings.

Companion amendments are also being proposed to 89 Ill. Adm. Code 160.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
104.208	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.210	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.221	Amendment	September 8, 1995 (19 Ill. Reg. 12604)
104.270	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.273	Amendment	July 14, 1995 (19 Ill. Reg. 9389)

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10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page **15523**

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 205

3) Section Numbers: Proposed Action:
205.540 Amendment

4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 205 establish requirements for the licensure of ambulatory surgical treatment centers (ASTCs).

Section 205.540 is being amended to permit patients to be discharged to a hospital from an ASTC.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Ms. Gail M. Devito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

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Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section
205.110
205.115
205.118
205.120
205.125
205.130

Definitions
Incorporated and Referenced Materials
Conditions of Licensure
Application for Initial Licensure
Application for License Renewal
Approval of Surgical Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section
205.210
205.220
205.230
205.240

Ownership, Control and Management
Organizational Plan
Standards of Professional Work
Policies and Procedures Manual

SUBPART C: PERSONNEL

Section
205.310
205.320
205.330
205.340
205.350

Personnel Policies
Presence of Qualified Physician
Nursing Personnel
Basic Life Support
Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section
205.410
205.420

Equipment
Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section
205.510
205.520
205.530
205.540

Emergency Care
Preoperative Care
Operative Care
Postoperative Care

DEPARTMENT OF PUBLIC HEALTH

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SUBPART F: RECORDS AND REPORTS

Section	SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS
205.610	Clinical Records
205.620	Statistical Data

Section	SUBPART H: LICENSURE PROCEDURES
205.710	Pregnancy Termination Specialty Centers
205.720	Personnel (Repealed)
205.730	General Patient Care (Repealed)
205.740	Preoperative Requirements (Repealed)
205.750	Postoperative Requirements (Repealed)
205.760	Reports (Repealed)

Section	
205.810	Complaints
205.820	Notice of Violation
205.830	Plan of Correction
205.840	Adverse Licensure Action
205.850	Fines and Penalties
205.860	Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND
PHYSICAL REQUIREMENTS

Section	
205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section	
205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

205.1540 Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section	
205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section	
205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)
205.1760	Grounding
205.1770	Equipment Installation in Special Areas
205.1780	Emergency Electric Service
205.1790	Fire Alarm System

TABLE A	General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area
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AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act (210 ILCS 5).

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART E: GENERAL PATIENT CARE

Section 205.540 Postoperative Care

- a) Patients shall be observed in the facility for a period of time sufficient to ensure that the patient is awake, physiologically stable, manifests no immediate postoperative complications, and is ready to return to home, to a hospital or to a similar environment. No patient shall be required to leave the center in less than one (1) hour following the procedures.
- b) Rh factor sensitization prophylaxis shall be provided to all Rh negative patients following procedures performed to terminate pregnancy, in accordance with standard medical procedures.
- c) Patients in whom a complication is known or suspected to have occurred during or after the performance of a surgical procedure shall be informed of such condition, and arrangements shall be made for treatment of the complication. In the event of admission to an inpatient facility, a summary of care given in the ambulatory surgical treatment center concerning the suspected complication shall accompany the patient.
- d) To ensure ~~insure~~ availability of follow-up care at a licensed hospital, the ambulatory surgical treatment center shall provide written documentation of one of the following:
- 1) A transfer agreement with a licensed hospital within approximately ~~fifteen~~-15 minutes travel time of the facility.
 - 2) A statement that the medical director of the facility has full admitting privileges at a licensed hospital within approximately ~~fifteen~~-15 minutes travel time and that he/she will assume responsibility for all facility patients requiring such follow-up care.
 - 3) A statement that each staff physician, dentist, or podiatrist has admitting privileges in a licensed hospital within ~~fifteen~~-15 minutes travel time of the facility.
- e) Written instructions shall be issued to all patients in accordance with the standards approved by the consulting committee of the ambulatory surgical treatment center and shall include the following:
- 1) Symptoms of complications associated with procedures performed.
 - 2) Limitations and/or restrictions of activities of the patient.
 - 3) Specific telephone number to be used by the patient, at any time ~~anytime~~, should any complication or question arise.
 - 4) A date for follow-up or return visit after the performance of the surgical procedure, which shall be scheduled within six weeks.
- f) Patients shall be discharged only on the written, signed order of a physician. The name, or relationship to the patient, of the person accompanying the patient upon discharge from the facility shall be noted in the patient's medical record.
- g) Information on availability of family planning services shall be provided, when desired by the patient, to all patients undergoing a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

pregnancy termination procedure. When, in the physician's opinion, it is in the best interests of the patient and with the patient's consent, family planning services may be initiated prior to the discharge of the patient.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Eligibility2) Code Citation: 89 Ill. Adm. Code 6823) Section Numbers: Proposed Action:

682.230 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].5) A Complete Description of the Subjects and Issues Involved: The amendments are being made to clarify how DORS will determine customer assets. Previously the rule would allow a customer to transfer all assets to a spouse and not be held accountable for the assets.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this part? No10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
PO Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217)785-3896
TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

corporations affected: The Department has determined that this rulemaking will not affect small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: NoC) Types of professional skills necessary for compliance: No13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate the need for clarification at the time the regulatory agenda was published.The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10

General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100

General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200

Assets Limitation

682.210 Transfer of Assets

682.220 Exempt Assets

682.230 Assets Held in Joint Ownership

682.240 Income Allowances

682.250 Cost Sharing Provisions

682.260 General Exceptions to Cost Share Provisions

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300

Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400
682.410

Redetermination Requirements

Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section
682.500
682.510
682.520

Exceptions to Eligibility Standards

Exceptions to Cost Sharing Provisions

Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act
[20 ILCS 2405/3].

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NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.230 Assets Held in Joint Ownership

a) If an asset is held in joint ownership with a non-spouse, the percentage of the asset owned by the individual shall be used to determine the its value of the customer's share.

b) All assets ~~assets~~ of ~~held-jointly-by~~ spouses will be considered joint assets and the value divided equally unless a written premarital legal agreement exists which designates ~~divides~~ the asset(s) to the other partner. In the case where a legal premarital agreement exists, only the assets shared in common shall be considered ~~share-owned-by-the individual-shall-be-counted-as-an-asset~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers: Proposed Action:

590.500 Repealed
590.510 Repealed
590.520 Repealed
590.530 Repealed
590.540 Repealed
590.550 Repealed
590.560 Repealed
590.570 Repealed
590.580 Repealed

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]5) A Complete Description of the Subjects and Issues Involved: As all funds for this program have been depleted and all equipment is now obsolete, is no longer usable, or has otherwise been disposed of, this program is no longer in operation. Therefore, repeal of these rules is appropriate.6) Will this rulemaking replace any emergency rulemaking currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated that funding would no longer be available.The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
590.460 Types of Services
590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services (Repealed)
590.510 Definitions (Repealed)
590.520 Purpose of Equipment Loans (Repealed)
590.530 Criteria for Loan of Equipment/Aids (Repealed)
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
590.550 Duration of Loans (Repealed)
590.560 Maintenance and Return of Equipment/Aids (Repealed)
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
590.660 Definitions
590.670 Determination of the Need for Maintenance
590.675 Determination of Client Financial Participation in Maintenance
590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

590.700

Provision of Services
Definitions
Scope of Services

SUBPART L: TRANSITION

590.730

Provision of Services
Definitions
Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section 590.500 Provision of Services (Repealed)

BERS-shall-loan-accessible-computer-equipment-and-sensory-aids-purchased through-appropriations-from-the-Assistance-to-the-Blind-Bund-to-individuals-who are-blind-or-visually-impaired-pursuant-to-the-provisions-of-this-Subpart--the provisions-of-Subpart-A-of-this-Bert-shall-not-apply

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.510 Definitions (Repealed)

For-the-purpose-of-this-Subpart-the-following-terms-shall-have-the-following meanings:

- a) Accessible-Computer-Equipment-(Equipment)---specially-designed-and adapted-computer-hardware-and-software-designed-to-enable-individuals who-are-blind-or-visually-impaired-to-use-the-equipment;
- b) Sensory-Aids-(Aids)---Adaptive-devices-used-to-minimize-or-overcome the-limitations-of-visual-impairment-(e.g.,-refreshable-Braillle display,-speech-synthesizer,-etc.);

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.520 Purpose of Equipment Loans (Repealed)

BERS-shall-loan-available-equipment-(see-09-III-Adm-Code-590-570)-for-the purpose-of-enabling-an-individual-to-overcome-an-impediment-to-employment;

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.530 Criteria for Loan of Equipment/Aids (Repealed)

Equipment/Aids-may-be-loaned-to-eligible-individuals-for-the-following purposes:

- a) in-emergency-situations-when-the-individuals-own-Equipment/Aids is/are-being-repaired-or-replaced;
- b) on-a-trial-basis-to-assess-the-usefulness-to-the-individual-of-the Equipment/Aids;
- c) while-the-individual-is-involved-in-an-employer-training-program-or during-a-time-limited-probationary-period-that-may-lead-to-permanent employment;
- d) in-a-permanent-employment-situation-until-the-employer-can-purchase similar-Equipment/Aids;
- e) for-demonstration-purposes-for-persons-who-are-blind-or-visually

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- impaired, or
 f) in an educational situation until similar Equipment/Aids can be purchased.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)

- a) BORS shall loan Equipment/Aids under the following order of priority:
 Order of Section 199-111-Adm-Gode-553-140 shall not be followed for the purposes of this Subpart.
 1) clients of the VR program receiving services under the provisions of 89-111v-Adm-Gode-553 and Subpart A of this Part who are blind or visually impaired and require such Equipment/Aids to obtain or retain employment;
 2) employees of the State of Illinois who are blind or visually impaired;
 3) residents of Illinois who require the Equipment/Aids to obtain or retain employment;
 4) full-time students who are blind or visually impaired who require the Equipment/Aids for educational purposes;
 b) All requests for the loan of Equipment/Aids must be in writing to the Program Coordinator, Bureau of Blind Services and must include a completed LOAN AGREEMENT (B-488-1999).
 c) Determination as to whether to loan Equipment/Aids shall be based on subsection (1) above and the justification and plan to replace the Equipment/Aids which shall be submitted as part of the request. If the individual to whom the equipment is loaned is a client of the VR Program, the plan to replace the equipment must be included in the client's IWRP.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.550 Duration of Loans (Repealed)

- Equipment/Aids may be loaned for a period of 60 calendar days and may be extended an additional 30 days upon the written approval of the Program Manager, Bureau of Blind Services. BORS may extend the term of the loan if:
 a) no other client, employee or student as listed in subsection 590.540(a)(1)(4) needs the equipment; and
 b) the borrower demonstrates a continued need for the Equipment/Aids.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Section 590.560 Maintenance and Return of Equipment/Aids (Repealed)

- a) Maintenance of any loaned Equipment/Aids shall be the responsibility of the borrower;
 b) All Equipment/Aids shall be returned to BORS in good working order and condition at the borrower's expense;
 c) Responsibility for repair or replacement costs for Equipment/Aids which is not in good working order shall be the responsibility of the borrower unless the malfunction is the result of normal wear and tear. Normal wear and tear shall be determined by the manufacturer of the Equipment/Aids or by the manufacturer's authorized service area representative;
 d) The borrower shall be held responsible for the total replacement cost of any Equipment/Aids not returned to BORS by the specified date, and BORS may take necessary steps including going into court to recover the costs.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)

Obtaining permanent Equipment/Aids is the responsibility of the borrower. However, BORS Bureau of Blind Services shall assist the borrower in the determination of appropriate Equipment/Aids needs and assist in the coordination of the purchase of such Equipment/Aids as appropriate.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.580 Limitations on Available Equipment/Aids (Repealed)

Only equipment designated as loan equipment and maintained on a current inventory list by BORS Bureau of Blind Services shall be available for loan by BORS.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Industrial Training Program

2) Code Citation: 56 Ill. Adm. Code 2650

3) Section Numbers: Adopted Action:

2650.10 Amendment
 2650.20 Amendment
 2650.30 Amendment
 2650.40 Amendment
 2650.50 Amendment
 2650.110 Amendment
 2650.120 Amendment
 2650.130 Amendment
 2650.140 Amendment
 2650.210 Repealed
 2650.220 Repealed
 2650.230 Repealed
 2650.240 Repealed
 2650.250 Repealed
 2650.310 Amendment
 2650.320 Amendment
 2650.330 Amendment
 2650.340 Amendment
 2650.350 Repealed

4) Statutory Authority: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19 a(1) and 46.42]; and as amended by P.A. 88-0456.

5) Effective Date of Amendments: October 20, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 24, 1995

9) Notice of Proposal Published in Illinois Register: July 7, 1995 (19 Ill. Reg. 8827)

10) Has JCAR issued a Statement of objections to these amendments? No

11) Differences between proposal and final version: Only technical changes suggested by the Joint Committee on Administrative Rules were made by the Department.

12) Have all the changes agreed upon by the agency and JCAR been made as

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT

indicated in the agreement letter issued by JCAR? Not Applicable.

13) Will these amendments replace an emergency amendment currently in effect?
 No

14) Are there any amendments pending on this Part? No

15) A Complete Description of the Subjects and Issues Involved: In Public Act 88-0456, the Industrial Training Program was expanded to permit the Department to award grants to assist with the common training needs of multiple companies. These amendments describe this new category of eligible applicants, the eligible training activities, the application procedures, documentation and evaluation, as well as selection criteria and reporting requirements.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Brenda Yager, Deputy Director
 Bureau of Community Development
 Department of Commerce and Community Affairs
 620 East Adams Street, 5th Floor
 Springfield, Illinois 62701
 Telephone Number: (217) 785-6174
 T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT

2650.350 Administrative Requirements (Repealed)

AUTHORITY: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19a(1) and 46.42]; and Public Act 88-0456.

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective OCT 20 1995.

SUBPART A: GENERAL REQUIREMENTS

Section 2650.10 Purpose

Through the Illinois Industrial Training Program (Program), the Department of Commerce and Community Affairs (Department) will provide training grants to for-profit businesses operating or locating in Illinois in conjunction with planned permanent expansion, location or retention activities; and to multi-company manufacturing training projects sponsored by business manufacturing associations, institutions of secondary and higher education, strategic business manufacturing partnerships, consultants and grant recipients or administrative entities under the Job Training Partnership Act or any successor federal employment and training programs, large manufacturers for supplier network companies, and labor organizations, and to institutions of higher or secondary education to encourage the creation of new enterprise development and new business formation. The Department may also rent, purchase or lease such equipment or machinery necessary to equip such job training programs or make grants to any higher or secondary education institution for such purposes. The purpose of the Program is to enhance employment opportunities for Illinois citizens by assisting Illinois employers in the training of their workforce, and to assist multi-company training manufacturing projects in addressing common employee training needs identified by participating companies, and to facilitate self-employment by encouragement and preparation through comprehensive instructional programs and services.

(Source: Amended at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.20 Definitions

Director - The Director of the Department of Commerce and Community Affairs.
Employee Training - Training programs, either on-the-job, classroom or any combination thereof, sponsored by an employer or other eligible

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2650
INDUSTRIAL TRAINING PROGRAM

SUBPART A: GENERAL REQUIREMENTS

- Section 2650.10 Purpose
- 2650.20 Definitions
- 2650.30 Eligible Applicants and Training Activities
- 2650.40 Allowable Costs
- 2650.50 Grant Administration Requirements
- 2650.60 Nondiscrimination
- 2650.70 Selection for Funding (Recodified)
- 2650.80 Allowable Costs (Recodified)
- 2650.90 Grant Administration Requirements (Recodified)
- 2650.100 Nondiscrimination (Recodified)

SUBPART B: SINGLE COMPANY INDUSTRIAL FIRMS-AND-MAJOR-EMPLOYER APPLICANTS

- Section 2650.110 Application Procedures
- 2650.120 Application Documentation
- 2650.130 Application Evaluation
- 2650.140 Selection for Funding

SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS (Repealed)

- Section 2650.210 Application Procedures (Repealed)
- 2650.220 Application Documentation (Repealed)
- 2650.230 Application Evaluation (Repealed)
- 2650.240 Selection for Funding (Repealed)
- 2650.250 Reporting Requirements (Repealed)

SUBPART D: MULTI-COMPANY AND MEMBERSHIP TRAINING MANUFACTURING PROJECT APPLICANTS

- Section 2650.310 Application Procedures
- 2650.320 Application Documentation
- 2650.330 Application Evaluation
- 2650.340 Selection for Funding

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grant recipient on behalf of employers, which are intended to provide employees with the skills required to perform their current job or as a condition of continued employment. The employee skill requirements are established by the employer or participating employers and may include basic, technical and managerial skills.

Grantee - Any program applicant whose proposal is funded by the Department through a grant.

Labor Organization - Any collective bargaining unit or any labor entity formed by collective bargaining units such as state labor councils, district labor councils, local central labor councils and international unions as well as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

Large Manufacturers Supplier Network - Any company located or with facilities in the State of Illinois which supplies products or services to an original equipment manufacturer or large manufacturing assembly facility in Illinois.

Location Activities - Activities necessary to place or attract new companies to Illinois (e.g., training).

Manufacturing Concern - Any plant, factory or business that produces a manufactured product.

Multi-Company Training Manufacturing Project - Any project submitted for the benefit of more than two manufacturing companies which addresses the common employee training, retraining or skills upgrading needs identified by participating companies.

New Employee - An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

Planned Permanent Expansion - Any of the following will apply:

- Permanent increase in the workforce (no minimum number of new jobs required);
- Addition of new product line or expansion of existing product line; or
- New capital investment in machinery or equipment.

Retention Activities - Activities necessary to keep existing companies in Illinois that might otherwise leave the State or reduce their workforce (e.g., retraining, upgrading, cross-training).

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Retraining - The training of an employee with the intent that the employee will learn to perform a significantly different type of job than was previously held by that employee.

Self-Employment Training Program - Either a structured long-term in-depth counseling assistance program or a competency-based business management training program in which demonstrated proficiency and ability to complete a business and financing plan is a prerequisite to successful completion.

Strategic Business Manufacturing Partnership - A formal or informal partnership with a legally binding partnership agreement between more than two businesses manufacturers with facilities in Illinois or a temporary informal agreement between more than two manufacturers with facilities in Illinois where the purpose or an objective of the partnership is to address employee training or other common workforce development issues among the participating businesses companies. The employee training activities of informal strategic manufacturing partnerships may be coordinated and sponsored by a large manufacturing company with facilities in Illinois if that large manufacturing company is an active member of the partnership and the training activities address the common training needs of the other manufacturing companies participating in the partnership.

Trainee - An existing or newly-hired employee of a company who is participating in a training, retraining or skills upgrading program.

Upgrade Training - The enhancement of employees' job skills with the intent that the employee will continue working at the same type of job (e.g., cross-training of skilled employees).

(Source: Amended at 19 Ill. Reg. 15374, effective GCT 2-0-1995)

Section 2650.30 Eligible Applicants and Training Activities

- a) Any business manufacturing concern locating, expanding, or having a facility(ies) established in Illinois and that is undertaking meets any one or more of the following training activities criteria:
 - 1) Training programs in response to new or changing technologies or processes being introduced in the workplace Permanent expansion of its workforce;
 - 2) Training necessary to implement total quality management or improvement systems in the workplace Upgrading or retraining its workforce in response to changes in the technology of the manufacturing process (i.e., retooling);
 - 3) Job-linked training to upgrade existing employees' skills that leads directly to long-term job security; New or additional

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- product-lines, or**
- 4) Training employees in skills necessary to enable the company to establish or expand into new export markets; Engaged-in activities designed to increase the quality and/or reduce the cost of manufactured products (e.g., just-in-time inventory systems, blueprint reading, statistical process control, and material resource planning);
 - 5) Training in conjunction with new or additional product lines;
 - 6) Training related to new machinery or equipment;
 - 7) Training new or existing employees of companies that are locating or expanding in Illinois;
 - 8) Basic and/or remedial training of employees as a prerequisite for other vocational or technical skills training; and
 - 9) Training related to regulatory compliance issues mandated for the workplace.
- b) The Director will also accept applications from any other Illinois employer that is:
- 1) expanding its workforce by at least 100 full-time employees and the company will not directly compete with other local businesses which offer products or services of a similar nature (e.g., grocery stores, restaurants, which jeopardize and negate the purpose of the training funds;
 - 2) making a capital investment in Illinois of at least \$170,000,000 dollars and the company will not directly compete with other local businesses which offer products or services of a similar nature (e.g., grocery stores, restaurants, which jeopardize existing jobs and negate the purpose of the training funds); or
 - 3) engaged in activities designed to establish or expand export markets (e.g., research, consulting, mentor programs, seminars, redesign of products, these activities may include multi-company or industry specific projects.
- b) The Director also will accept applications submitted by Illinois-based business manufacturing associations, institutions of secondary and higher education, strategic business manufacturing partnerships, consultants and grant recipients or administrative entities under the Job Training Partnership Act, large manufacturers for supplier network companies, and labor organizations on behalf of multi-company training manufacturing projects where such projects address the common employee training needs identified by participating companies or the common training needs identified by the organization's membership. Eligible training activities for multi-company or membership training projects include, but are not limited to, one or more of the following:
- 1) Training programs in response to new or changing technology being introduced in the workplace.
 - 2) Job-linked training to upgrade existing employees' skills that leads directly to long-term job security.
 - 3) Training necessary to implement total quality management or

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- 4) Improvement systems within the workplace.
- 5) Training related to new machinery or equipment.
- 5) Training of employees or companies that are expanding into new markets or expanding exports from Illinois.
- 6) Basic and/or remedial training of employees as a prerequisite for other vocational or technical skills training.
- 7) Other training activities and/or projects related to the support, development or evaluation of job training programs, activities and delivery systems, including training needs assessment and design.
- d) Public or proprietary institutions of higher or secondary education may also apply for training funds for the following purposes:
 - 1) To establish self-employment training programs targeted to assist unemployed or underemployed individuals in underdeveloped areas especially within enterprise zones to encourage and prepare clients to create new enterprise development and new business formation;
 - 2) To rent, purchase or lease the machinery or equipment necessary to equip such training programs as described in subsection (a) of this Section where the institution will receive a cash match from a company which has need for the training in an amount that is at a minimum equal to the training funds requested;

(Source: Amended at 19 Ill. Reg. 1537.1, effective

OCT 20 1995)

Section 2650.40 Allowable Costs

- a) Grants for employee training to single companies will allow for the reimbursement of up to 50% of the total approved training costs. Allowable costs for single company training projects include: Grants for employee training will consist of the payment of up to 66-2/3% of wage and fringe benefits for a specified training time for each employee and/or job classification. The grants also allow for up to 66-2/3% of costs such as instructors, trainers, salaries and fringe benefits, travel expenses, training materials, and administrative expenses such as the cost of secretarial bookkeeping costs.
- 1) Instructor costs, including wages, fringe benefits and travel expenses.
- 2) Costs for tuition and educational fees.
- 3) Training materials.
- 4) Rent or lease of training equipment and/or facilities.
- 5) Other usual and customary training costs.
- 6) Trainee travel expenses.
- 7) Trainee wages and fringe benefits.
- b) Grants for multi-company or membership training projects will allow for the reimbursement of up to 50% of the total approved direct training costs. For the multi-company training projects, the

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Department requires that a minimum of 50% of the local contribution be a direct cash contribution toward the training project. Allowable costs for companies participating in the training project. Allowable costs for multi-company or membership training projects include: Grants--to eligible--applicants--for--multi-company--manufacturing--projects--for common--training--needs--will--consist--of--the--payment--of--up--to--66-2/3%--of the--approved--training--costs--for--a--specified--training--time--for--each employee--and/or--job--classification--of--the--employees--participating--in the--training--project.

1) Administrative costs of tracking, documenting, reporting and processing training funds or project costs. Administrative costs must be reasonable and shall not exceed 15% of the total approved direct training costs, including indirect costs.

2) Costs of curriculum development. The Department will only reimburse for the costs of curriculum development when such curricula are judged by the Department as being of benefit to multiple Illinois employers and such curricula will be considered to be in the public domain.

The Grantee shall include the following statement in all written materials produced in whole or in part by funds awarded under this Grant Agreement: "This publication and material were supported in whole or in part by an Industrial Training Program grant awarded by the Illinois Department of Commerce and Community Affairs. Representations made by this publication and material do not necessarily reflect the opinions and conclusions of the Department."

The Department reserves the right to request at least one copy of all training materials used by the Grantee or any subcontractor for training which is eligible for reimbursement under the grant. The Department will not distribute any proprietary information nor circulate any training materials without the expressed consent of the Grantee or subcontractor with the exception of those materials which are developed in whole or in part with State funds.

3) Training materials, including manuals, workbooks, videotapes and other materials that are used for training purposes only. Any item that can be depreciated will not be considered to be training materials.

4) Instructor costs, including wages, fringe benefits, tuition and travel expenses.

5) Rent or lease of training equipment and/or facilities.

6) Other usual and customary training costs.

c) Grants--to--eligible--applicants--providing--self-employment--training programs--to--unemployed--and--underemployed--shall--have--a--state's contribution--that--of--66-2/3%--of--the--costs--of--the--approved--program except--in--those--programs--where--at--least--50%--of--the--program participants--are--unemployed--handicapped--or--receiving--state--welfare assistance--in--which--case--the--state's--contribution--may--be--greater--than

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66-2/3%--but--not--more--than--100%.

(Source: Amended at 19 Ill. Reg. **15374**, effective **OCT 20 1995**)

Section 2650.50 Grant Administration Requirements

a) Audits - The Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse). If the Grantee is a secondary or post-secondary education institution, it shall comply with the applicable audit requirements of 47 Ill. Adm. Code 130.

b) Monitoring - The Director will ensure that periodic on-site grant monitoring visits are conducted by the Department during the course of the grant period. The Department will verify that the Grantee's financial management system is structured to provide for accurate, current and complete disclosure of the financial results of the grant program in accordance with all provisions, terms and conditions contained in the grant contract. The Department also reserves the right to contact any company participating in a multi-company training project funded by this program to verify the information submitted by the Grantee on behalf of the participating company.

c) Training Evaluation Report - The Grantee must submit to DCCA, within 60 days following the end of the grant period, a descriptive written evaluation of the results of the training experience by either the company, in the case of single-company grantees, or the companies participating in the training project, in the case of multi-company training projects. The narrative evaluation report should be based on the measurable outcomes or benefits contained in the grant application submitted and approved by DCCA. DCCA reserves the right to withhold any future year funding for noncompliance with this provision.

d) Reporting Requirements - To receive reimbursement for training costs which have been incurred by a Grantee in accordance with the Scope of Work and Budget contained in the grant contract with the Department, the Grantee shall furnish evidence to the Department of having completed training by following either a monthly certification schedule or other schedule negotiated by the Department and the Grantee. This certification shall be filed on forms provided to the Grantee by the Department. Payments to the Grantee are subject to the initiation of an invoice-voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department either each month, or as negotiated, consisting of an analysis of major project activities; a listing of clients served, if the project served clients; and an evaluation of how the project's operation is related to the objectives of the grant.

e) Grant Closeout - The Grantee shall be responsible for completing the

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grant closeout package which shall be provided by the Department and identifies the financial status of these grant funds. The Grantee, upon submission of the closeout package, or within 45 days after expiration of the grant, whichever is first, shall refund to the Department any balance of funds which were unexpended or unobligated at the end of the grant period. In addition, the Grantee shall repay the Department for any funds that are determined by the Department to have been spent in violation of the grant contract. If the grant contract should terminate for any reason, the closeout package shall be due within 45 days after the date of termination.

f) For the purpose of Subparts B and D of this Part, the following provisions specified in 47 Ill. Adm. Code 1.30, 1.40, 1.60, 1.70, 1.80, 1.90, 1.100, 1.105, 1.110, 1.120, and 1.140, and 1.185 are applicable. In addition, for the purpose of Subpart C--only--the following provisions--specified in 47 Ill. Adm. Code--1.40, 1.60, and 1.130--are applicable:

(Source: Amended at 19 Ill. Reg. **15374**, effective **OCT 20 1995**)

SUBPART B: SINGLE COMPANY INDUSTRIES FIRMS AND MAJOR EMPLOYER APPLICANTS

Section 2650.110 Application Procedures

Applications will be accepted at any time. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application. The applicant should not procure, contract for, or incur costs for services or supplies prior to the signing of a written contract. The contents of an approved application will become part of the contract awarded to the applicant. All data, material, and documentation originated by an application and prepared for an application or contract shall belong exclusively to the State of Illinois and the Department. The Department will supply interested businesses with an application upon request. Applications for grant funds shall be submitted to the Office of Industrial Training in Chicago or Springfield Program Manager on forms provided by the Department along with any necessary attachments which may be required.

(Source: Amended at 19 Ill. Reg. **15374**, effective **OCT 20 1995**)

Section 2650.120 Application Documentation

Applications will include documentation of the following:

- Application Cover Page - which contains name, address, and telephone number of applicant; type of company; name, address, and telephone number of training provider, if different from an applicant; amount of program funds being requested; starting and ending dates of program;

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total number of new and upgraded employees to be trained; current number of employees working in administration and production; company Federal Employment Identification Number (F.E.I.N.); Standard Industrial Code (S.I.C.); Illinois Unemployment Insurance Account Code; Senate District number; Representative District number; authorized signatures; and indication whether the company is located in an Illinois State Enterprise Zone; indication whether company is reopening a facility which had been previously closed; the name of labor union(s) representing employees at the facility, if applicable; and an indication of whether the company applied for or received training assistance under the program in prior fiscal years.

b) Business Certification - a form which must be signed and dated by the Chief Executive Officer of the applicant company certifying that the applicant:

- Understands that the receipt by the Department of an application for training assistance is not a guarantee or commitment by the Department for funding;
- Agrees to discuss with representatives of the local Job Training Partnership Act (JTPA) office the hiring of JTPA-eligible individuals for new jobs which are created as a result of this project;
- Agrees to submit to the Department, on a monthly basis, information regarding training activity as required for reimbursement under the Industrial Training Program;
- Agrees to submit to the Department, within 60 days following the end of the grant period, a written evaluation of the results of the training experience by the company. The evaluation report should be based on the measurable outcomes or benefits contained in this grant application;
- Maintains that it is a company in good standing, authorized to do business in Illinois and has no delinquent State tax liabilities;
- Authorizes the Department of Commerce and Community Affairs to verify in any manner deemed appropriate any and all items indicated in this application which include information obtained through the Illinois Department of Employment Security, Consumer Credit Bureau Services and business reporting services such as Dun and Bradstreet;
- Agrees to immediately notify the Department regarding any major business or personnel changes at their facility (e.g., layoff situations, changes in training plans or schedules);
- Acknowledges that if their application is funded, they will be required to comply with the Illinois Drug Free Workplace Act, the Americans with Disabilities Act and the Illinois Human Rights Act and any future laws enacted which may be applicable to the grant;
- To the best of its knowledge as of the date of the application, is not in material violation of any local, State or Federal labor laws at the site and that abnormal labor conditions such as a strike or lockout do not exist at this site;

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10) Maintains that all information contained in the application, including the documentation, is accurate, complete and true to the best of their knowledge;

11) Agrees to submit to the Department by the end of the grant period the Social Security Number of all employees participating in the approved training program; and

12) Agrees to notify all trainees that, if funded, the training is being partially funded by an Industrial Training Program grant administered by the Department of Commerce and Community Affairs.

c) Training Outline - which details, by job classification or training course, minimum skills desired for entry into training by job and additional skills to be acquired in training by--job,--and--number--of--weeks--training--to--be--provided--for--each--job.

d) Program Outline Timetable - which details the training schedule of employee entry by job classification or training course per month into the program.

e) Training Outline Program Data (Trainees) - which details by job classification or training course the number of employees; amount number of training time weeks; hourly trainee starting wage; and trainee wage at completion of training.

f) Training Outline Data (Trainers) - which details the trainers or course names, the number of instructional hours and the cost of the training.

g) Project Budget Summary - which details the total cost of training and the requested grant amounts of the Program and other available training programs in Illinois (e.g., Job Training Partnership Act Program, Secretary of State Literacy Office Grant Program High-Impact Training-Services-Program, Prairie State 2000 Program).

h) Attachments as applicable:

1) Attach a brief narrative explaining each line item on the budget summary. The narrative shall state how each "total costs" figure was obtained and should provide information regarding how all training hours and other training costs will be tracked and documented.

2) Financial statements consisting of profit and loss statements and balance sheets for the last three years, tax returns for the last three years, or pro forma statements and cash flow projections for the next two years. Industries not having these financial reports must include a letter of reference from their bank and back-up financial data to show their solvency.

3) Transmittal letter providing information on: the company biography including ownership, length of time in business, a description of the products manufactured or services provided, a discussion of applicant's major customers and competitors and the name(s) of the labor union(s) representing its employees, if applicable; a description and amount of any new capital investment within the past year and upcoming year and whether this capital investment is related to the training; the need for

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the training by the company; the location of the training site; the name(s) of the training provider(s); and the expected measurable outcomes or benefits of the training program and a description of how these benefits will be measured. Better detailing company and/or plant history, reason for the expansion, market information (e.g., type of product manufactured, who the product is sold to, where the product is sold, and current or proposed participation with other federal or state training programs.

(Source: Amended at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.130 Application Evaluation

The Department shall screen all applications to determine that all requirements of the application package have been addressed. Complete applications will be reviewed and evaluated comparatively by Department staff. Applicants will be notified by letter of deficiencies in applications and given an opportunity to correct such deficiencies through resubmission. This review and evaluation process will be completed within seventy-five days of receipt of all required information. Department staff will conduct a technical and financial evaluation of each application.

a) Technical Evaluation Component - Each application will be reviewed to assure compliance with technical program requirements as detailed in Sections 2650.30 and 2650.120.

b) Financial Evaluation Component - The company's audited financial statements, including the annual balance sheets and profit and loss statements for the past three years, or other acceptable financial information as determined by the Department as well as the most recent ninety-day and a three-year projected balance sheet and profit and loss statement, as well as a one-year monthly cash flow statement, will be reviewed through a standard credit analysis which will determine the liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1985), if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company.

c) Application Evaluation - Those applications determined eligible for funding based on the evaluation process described in subsections (a) and (b), will be evaluated according to the following criteria:

- 1) project readiness (e.g., time schedule for project initiation, etc.);
- 2) Average wage rate of trainees jobs to be created or retained (e.g., number of full-time jobs, cost per job, etc.) or the number of individuals who will receive training;

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- 3) New capital investment (e.g., training directly relates to jobs, etc.) and capital investment per trainee;
- 4) Applicant has identified specific and measurable training objectives leveraging of other training resources--(e.g., amount of funding available, funding received from other sources, etc.);
- 5) Financial feasibility of the project as determined by the financial evaluation described in subsection (b);
- 6) Other significant benefits or impact (e.g., project is for high technology, or export-oriented, and
- 6) Compliance with terms and conditions under previous Industrial Training Program grant awards;
- 7) County unemployment rate;
- 8) Applicant is adversely affected by foreign competition or training would provide company an advantage in competing in a global market;
- 9) Quality and consistency of the proposed training program;
- 10) Illinois-based company;
- 11) Level of value-added for the specific industry; and
- 12) Industries specified in annual application packages.

(Source: Amended at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.140 Selection for Funding

- a) The Department will establish an annual spending plan for the disbursement of the funds appropriated to the program each fiscal year. One component of the annual spending plan will be an allocation for single-company applicants. Quarterly allocations of funds will be established by the Department each fiscal year. Grant awards will be made on a monthly basis within the parameters of the quarterly allocations. Due to funding limitations, a grant ceiling of 50% of project costs has been established by the Department. The Director will waive this funding limitation, allowing support for up to 66-2/3% of a project's cost when the company demonstrates to the Department through a financial analysis (see Section 2650.130(b)) that the 50% funding limitation would prohibit an otherwise approved project in accordance with Section 2650.130 and this Section and subsequent job creation/retention from occurring.
- b) Those projects which are not funded solely due to a lack of available funds will be considered eligible for funding during the next quarter unless the applicant requests otherwise. Such applications will receive no preferential treatment and must again be comparatively evaluated against all applications being considered for funding during the quarter. Should the Department once again lack funds to support the project, the application will be denied.
- b) A set-aside fund will be established in order to take action on those applications requiring immediate attention (e.g., an industrial

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project in need of a commitment, as a part of an overall Department incentive offer to locate in Illinois; a project which could not move forward without Department funding). The Both the set-aside and the quarterly allocations will be established as targeted figures based on the historical demand for the funds and may which shall be changed to allow for the types, number, and quality of requests received throughout the year. The Department will place the highest priority on grants to manufacturing firms that create new jobs.

- c) Applicants will receive written notification of funding determinations.

(Source: Amended at 19 Ill. Reg. 15374, effective OCT 20 1995)

SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS
(Repealed)

Section 2650.210 Application Procedures (Repealed)

- a) Any eligible applicant as defined in Section 2650.30(c) seeking to have an application approved for grant funding must submit a proposal on a form provided by the Department on an annual basis prior to the deadline as determined by the Department. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application.
- b) Public notice of the availability of grants and the application due date established each year by the Department will be published in the State recognized newspaper. Applications will be due no later than forty-five days after the public notice. All forms, materials and documents of an approved application will become part of the contract awarded to the applicant and shall belong exclusively to the State of Illinois and the Department.

(Source: Repealed at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.220 Application Documentation (Repealed)

Applications will include documentation of the following:

- a) Background of Applicant--a brief discussion of the applicant's organization, purpose, history and capabilities to carry out the proposed project;
- b) Evidence of Need--a description of the economic conditions of the community necessitating the project such as types of industrial mix, employment and unemployment, wage and education levels;
- c) Project Description--a description of the proposed project for which the grant would be used, including work to be undertaken and methods to be used.

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- d) Project-Work-Statement---a-statement-of-measurable-project-objectives and-work-activities.
- e) Project-results---identification-of-the-anticipated-results-of-the-proposed-project-in-terms-of-economic-results-such-as-to-the-creation or-retention-of-jobs-number-of-businesses-to-be-started,-etc.
- f) Project-Management---information-on-the-staff-and/or-consultants-to-be involved-in-the-proposed-project-and-the-percent-of-time-to-be-spent on-the-project-as-well-as-the-name-and-qualifications-of-the individual-who-will-be-the-project-director-responsible-for-project management-internal-quality-control-and-project-report-preparation.
- g) Coordination---a-description-of-any-cooperative-working-relationships which-will-be-developed-with-other-organizations-involved-in-similar or-related-activities-and-the-relationship-of-the-project-to-existing local-regional-or-state-economic-development-plans.
- h) Budget---a-project-budget-by-cost-categories-as-required-in-the Department's-application-package---detailing-total-costs-amount-and source-of-matching-share-and-the-requested-grant-amount.

(Source: Repealed at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.230 Application Evaluation (Repealed)

- a) Application-Screening---The-Department-staff-shall-review-all proposals-to-determine-that-all-minimum-requirements-as-specified-in this-Pat-and-the-proposal-application-have-been-addressed.-This review-process-shall-begin-after-the-application-due-date-and-take-no more-than-seventy-five-days-with-grant-awards-being-announced-at-the end-of-the-grant-review-process.
- b) Review-Criteria---The-following-review-criteria-will-be-used-in reviewing applications-for-funding.
- 1) Proposed-Activities---The-proposals-will-be-reviewed-to-assure their-consistency-with-the-eligible-components-and-activities described-in-Section-2650.20(c).
- 2) Administrative-Capacity---The-proposals-will-be-reviewed-to determine-whether-the-applicant-is-capable-of-successfully completing-the-proposed-project-based-on-past-experience-or previous-performance-and-the-scope-of-program-coordination.
- 3) Project-Impact---The-proposals-will-be-reviewed-to-determine-the extent-to-which-the-proposed-activities-are-projected-to-result in-measurable-economic-gains-such-as-new-business-creation-new jobs-created-or-jobs-retained-or-number-of-program-participants entering-employment.
- 4) Costs-Assessment---The-proposals-will-be-reviewed-to-determine that-the-costs-charged-to-the-program-to-carry-out-proposed activities-are-consistent-with-administrative-cost-and-matching fund-limitations-as-specified-in-Section-2650.20.

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(Source: Repealed at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.240 Selection for Funding (Repealed)

- a) The-Department-will-select-proposals-for-funding-based-on-the following:
- 1) availability-of-funds-for-the-program
- 2) evaluation-of-applicants-on-the-review-criteria-and
- 3) the-extent-to-which-the-program-serves-the-targeted-clientele
- b) high-poverty-areas-enterprise-zones-etc.
- c) Upon-selection-the-Department-will-notify-applicants-of-the-amount-of grant-if-any-to-be-used-to-fund-the-eligible-program-The Department-will-issue-an-award-letter-and-grant-agreement-and-upon signature-of-the-grant-agreement-by-the-local-project-director-will reimburse-the-amount-of-funds-identified-in-the-grant-award-letter upon-receipt-of-voucher-invoice-and-report-of-financial-status.
- d) Upon-request-applicants-will-be-notified-by-letter-of-deficiencies-in applications-and-given-an-opportunity-to-correct-such-deficiencies through-resubmission-at-the-next-regular-cycle.

(Source: Repealed at 19 Ill. Reg. 15374, effective OCT 20 1995)

Section 2650.250 Reporting Requirements (Repealed)

- a) In-order-to-track-funded-activities-under-this-Subpart-specific reports-will-be-required-of-eligible-project-grantee.
- 1) Quarterly-Indicators-Report---due-the-15th-day-after-the-end-of each-quarter-of-the-calendar-year-consisting-of-a-numerical analysis-of-planned-versus-actual-achievement-levels.
- 2) Invoice-Voucher-and-Expenditure-Summary---due-no-later-than-the-15th-calendar-day-of-each-month-after-the-first-month-of the-grant-period-for-the-dual-purpose-of-covering-the expenditures-to-date-as-well-as-the-immediate-cash-needs-of-the grantee-to-operate-the-project.
- 3) Project-Summary-Report---due-the-15th-working-day-after-the-end of-the-second-quarter-of-the-grant-period-and-within-forty-five working-days-after-the-expiration-date-of-the-grant-term-annual and-annual-reporting-consisting-of-an-analysis-of-major-project components-activities-accomplishments-and-problems-a-listing-of clients-served-to-the-project-served-clientele-and-an-evaluation of-how-the-project's-operation-related-to-the-objectives-of-the grant.
- b) If-the-project-grantee-serves-clients-the-following-reports-are-also required:
- 1) Screened-Clients-Listing---due-the-15th-day-after-the-end-of-each quarter-which-lists-the-proposed-business-verifier-the-standard

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Section 2650.310 Application Procedures

Applications will be accepted at any time. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application. The applicant and any companies participating in the project shall not procure, contract for or incur costs for services or supplies prior to the signing of a written contract. The contents of an approved application shall become part of the contract awarded to the applicant. All data, material and documentation originated by an application and prepared for an application or contract shall belong exclusively to the State of Illinois and the Department. The Department shall supply interested businesses, business and industry associations, institutions of secondary or higher education colleges, strategic business partnerships, consultants, Federal Job Training Partnership Act administrative entities or grant recipients, labor organizations or other organizations with an application upon request. Applications for grant funds shall be submitted to the Department's Office of Industrial Training in Chicago or Springfield Department on forms provided by the Department along with any necessary attachments which may be required.

(Source: Amended at 19 Ill. Reg. 15374, effective 01-20-1995)

Section 2650.320 Application Documentation

Applications shall include documentation of the following:

- a) A biography of the individual or organization submitting the application, including any related experience in coordinating, conducting or sponsoring training programs for businesses or its membership.
- b) A description of how the companies or members will be/were selected to participate in the project and an explanation of how the common employee training needs were determined. The applicant also should indicate if a training needs assessment has been conducted.
- c) A company profile for each of the participating companies, including how long they have been in business, a description of the products manufactured or services provided, the location of their facility(ies), the Standard Industrial Code, the current number of employees, the name of any labor organization(s) representing the employees (if applicable) and a company contact and telephone number and the current number of employees.
- d) A description of any new capital investment made by the participating companies and if it relates to the proposed training program.
- e) The type of training being requested (e.g., classroom, on-the-job training).
- f) The objectives of the training.
- g) Where the training will be conducted.

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Industrial classification (i.e., number), the citizens' names and demographics (e.g., age, sex, race, educational level, and years of business experience), and the citizens' level of participation (i.e., enrolled in class, graduated class, and started business). Characteristics of clients served due the 15th day after the end of each quarter of the year which provides a statistical breakdown of demographic characteristics for the total number of clients served by the project.

- 3) Client Data--Sheets--due the 15th day after the end of each quarter of the year--detailing business profile, financing sources, job impact, and types of business assistance counseling of each client completing training or obtaining other employment.
- e) Grantees must formally request in writing to the Department any revisions or amendments of approved proposal or scope of work plans. In addition to maintaining a central file of records referenced above the following records must be maintained for a period of three years at the project site for projects which directly serve clients:
 - 1) Intake record file--a record file of individuals recruited and screened for project participation with an indication of means for eligibility determination and of final disposition (e.g., selected, not selected, individual files on clients must include documentation of program eligibility).

- 2) Waivers--A record of a signed waiver should be maintained within all client files. Waivers should acknowledge that:
 - A) self-employment training counselors and administrators of the grantee will not recommend goods or services from sources in which he/she has an interest.
 - B) self-employment training counselors and administrators of the grantee will not accept fees or commission developing from the counseling relationship and
 - e) clients will hold harmless grantee project personnel administrators and counselors from circumstances resulting from this assistance.
- e) For projects which use any portion of Department funds to purchase equipment in whole or in part, a property certification statement that project funds have been expended in accordance with the grant agreement is required. A record of all non-expendable personal property or equipment purchased with Department funds will be maintained and each record shall minimally detail the description of the item, serial number or identification number, physical location and cost.

(Source: Repealed at 19 Ill. Reg. 15374, effective 01-20-1995)

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- h) The name(s) of the Who will provide the training provider(s).
- i) The expected measurable outcomes or benefits to the participating companies of the training program and a description of how these benefits will be measured and tracked.
- j) An Applicant Certification form which is signed and dated by the Chief Executive Officer or duly authorized representative of the applicant certifying that the applicant:
- 1) Understands that receipt by the Department of Commerce and Community Affairs of an application for training assistance is not a guarantee or commitment by DCCA for funding;
 - 2) Agrees to submit to DCCA, on either a monthly basis or other basis agreed upon by the Department and the Grantee, information regarding training activity as required for training reimbursement under the Industrial Training Program;
 - 3) Agrees to submit to DCCA, within 60 days following the end of the grant period, a written evaluation of the results of the training experience by the participating companies. The evaluation report should be based on the measurable outcomes or benefits contained in the grant application;
 - 4) Authorizes DCCA to verify in any manner deemed appropriate any and all items indicated in this application which include information obtained through the Illinois Department of Employment Security, Consumer Credit Bureau Services and business reporting services such as Dun and Bradstreet;
 - 5) Agrees to submit to DCCA by the end of the grant period the Social Security Number of the participating employees and the Unemployment Insurance Employer Account Number of all employees participating in an approved training program;
 - 6) Agrees to notify DCCA promptly regarding any major changes in the project (e.g., layoff situations at participating companies, changes in training plans or schedules);
 - 7) Maintains that, to the best of its knowledge as of the date of the application, no employers participating in the project are in material violation of local, State or federal labor laws at any sites involved in the application, and that abnormal labor conditions such as a strike or lockout do not exist at any of these sites;
 - 8) Acknowledges that, if the application is funded, the applicant will be required to comply with the Illinois Drug Free Workplace Act, the Illinois Human Rights Act, the Americans with Disabilities Act and any future laws enacted which may be applicable to the grant;
 - 9) Maintains that all information contained in this application, including the documentation, is accurate, complete and true to the best of their knowledge; and
 - 10) That, if funded, all companies participating in the training and the trainees of those companies will be notified in writing that the training is partially funded by the Industrial Training

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- Program grant administered by the Department of Commerce and Community Affairs.
- k) Training Outline - A training outline which provides a descriptive picture of each training module and or job classification, the requirements for selection to enter training and additional skills to be acquired through training.
- l) A program timetable which includes by training module, the number of employees entering training by month and the duration of the training.
- m) Training Outline Program Data (Trainees) - by training module, the number of employees in training, the proposed number of hours of training requested for each trainee and the average wage rates of the trainees.
- n) Training Outline Data (Trainers) - which details the trainers or course names, the number of instructional hours and the cost of the training.
- o) A Project budget summary listing administration, trainee and instructor costs. The budget summary shall contain the total training costs, the local/company share, other sources of training assistance and the amount requested from the Industrial Training Program.
- p) A budget narrative detailing how each line item in the budget summary was obtained and how the costs of each line item will be tracked and documented.

(Source: Amended at 19 Ill. Reg. 15374, effective

067-20-1995)

Section 2650.330 Application Evaluation

The Department shall screen all applications to determine if all requirements of the application package have been addressed. Complete applications shall be reviewed and evaluated comparatively by Department staff. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through resubmission. This review and evaluation process will be completed within 75 working days after receipt of all required information. Department staff shall conduct a technical and programmatic evaluation of each application.

- a) Technical/Programmatic Evaluation Component -- Each application shall be reviewed to assure compliance with technical program requirements as detailed in Section 2650.30.
- b) Application Evaluation -- Those applications determined eligible for funding based on the evaluation process described in subsection (a) above shall be evaluated according to the following criteria:
 - 1) Project readiness (e.g., time schedule for project initiation);
 - 2) The number of participating companies and the number of employees of those participating companies who will receive training;
 - 3) The cost effectiveness of the training (e.g., cost per trainee or cost per business);
 - 4) New capital investment by participating companies;

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- 5) How closely the training is related to the nature of the business manufacturing process and the transferability of the skills obtained from the training;
- 6) Other significant benefits or impact (e.g., project is for high technology, quality and/or productivity improvements or export oriented, job retention or improving business competitiveness);
- 7) Level of performance by applicant organization and/or participating employers under previous Industrial Training Program grant awards;
- 8) Evaluation measures utilized to determine the effectiveness of the training (e.g., the identification of quantifiable training outcome measures);
- 9) Extent to which the project demonstrates that it is employer driven; and
- 10) Percent of cash contribution by participating companies to the local or company share of the grant (matching contribution).

(Source: Amended at 19 Ill. Reg. 15374, effective 01/20/1995)

Section 2650.340 Selection for Funding

- a) The Department shall establish an annual spending plan for the disbursement of the funds appropriated to the program each fiscal year. One component of the annual spending plan will be an allocation for multi-company and membership training projects. Quarterly allocations of funds shall be established by the Department each fiscal year. Grant awards shall be made on a monthly basis within the parameters of the quarterly allocations.
- b) Applicants will receive written notification of funding determinations. Those projects which are not funded solely due to a lack of available funds shall be considered eligible for funding during the next quarter, unless the applicant organization and/or the participating employers request otherwise. Such applications shall receive no preferential treatment and shall be comparatively evaluated against all applications being considered for funding during the quarter. Should the Department once again lack funds to support the project, the application shall be denied.

(Source: Amended at 19 Ill. Reg. 15374, effective 01/20/1995)

Section 2650.350 Administrative Requirements (Repealed)

- a) Reporting Requirements: To receive reimbursement for training costs which have been incurred by a grantee and in accordance with the scope of work and budget contained in the grant contract with the Department, the grantee shall furnish evidence to the Department of

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having completed training by following a monthly certification schedule. This certification shall be filed on forms provided to the grantee by the Department. Payments to the grantee are subject to the initiation of an invoice voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department on the 15th calendar day of each month consisting of an analysis of major project activities, a listing of clients served, if the project served clients, and an evaluation of how the project's operation is related to the objectives of the grant.

- b) Grant Modifications: If either the Department or the grantee desires to modify the terms of the grant contract, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the grantee except that if the Department gives the grantee notice of a proposed modification without the prior approval of the grantee, the failure to object by the grantee within 90 calendar days shall be deemed acceptance and the proposed modification shall be effective on the receipt of the modification by the grantee. Suspension: If the grantee fails to comply with the terms and conditions of the grant contract, the Department, after notice to the grantee, may suspend the grant contract in whole or in part and withhold further payments and prohibit the grantee from incurring additional obligations of grant funds pending the grantee's implementation of a corrective action plan. The corrective action plan shall provide a strategy to correct areas of noncompliance as approved by the Department to terminate the grant in accordance with provisions of the grant contract. The Department may determine to allow costs which the grantee could not reasonably avoid during the period of suspension provided such costs were necessary and reasonable for the conduct of the project.

- d) Termination for Cause: If the Department determines that the grantee has failed to comply with the terms and conditions of the grant contract, the Department may terminate the grant in whole or in part at any time before the date of completion. Circumstances which shall result in the termination of a grant include, but are not limited to, the following: consistent failure to maintain required records; failure to protect inventory; misuse of equipment purchased with grant funds; evidence of fraud and abuse; failure to resolve points of the grant contract; the Department shall promptly notify the grantee in writing of the determination to terminate the reasons for such termination and the effective date of the termination.
- e) Termination for Convenience: The Department or the grantee shall terminate the grant contract in whole or in part when the Department and the grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the objectives and expenditures of funds. The Department and the grantee shall agree upon termination conditions, including the effective date and, in the case

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- of partial termination--the portion to be terminated--
 financial management standards--the grantee's financial management system--shall be standard--to provide for accurate current and complete disclosure of the financial results of the grant program--in accordance with the provisions of the grant contract--the grantee shall maintain effective control and accountability over all funds received under the grant--the grantee shall maintain property and equipment records--the grantee shall keep records sufficient to permit the tracking of funds to a level of expenditure--to ensure that funds have not been spent unlawfully, and shall have internal controls consistent with generally accepted accounting principles adopted by the American Institute of Certified Public Accountants (1991);
- 9† Interest on grant funds--if the grantee is a secondary or post-secondary education institution in accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1997, ch. 127, part 2380)--all interest earned on funds held by the grantee under the grant shall become part of the grant principal when earned--Any interest earned under the grant and not expended as grant principal during the term of the grant contract shall be returned to the Department, however, interest earned on grant funds may be retained by the grantee when the cost of accounting for the interest to the grant principal is significant in comparison to the interest earned--If no event shall occur, the grantee be permitted to increase the grant amount and expend interest earned as grant principal unless an amendment to the grant contract is executed by the Department.
- 1† Audits--the Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants--in addition, after completion of the training as specified in the grant contract, the grantee may be required to submit to the Department a descriptive report evaluating the success of the industrial training program grant--if the grantee is a secondary or post-secondary education institution, it shall comply with the applicable audit requirements of 43 Ill. Admin. Code 1.1.
- 2† Monitoring and evaluation--the grantee shall permit any agent authorized by the Department upon presentation of credentials, and in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the grantee involving transactions relating to a grant from the Department.
- 3† Property Management--if the grantee is a secondary or post-secondary education institution--the following terms apply to property management--the grantee retains title to all equipment purchased with grant funds for program operations--the grantee shall maintain appropriate property records and periodically evaluate and, if necessary, replace--an inventory of all equipment--or non-expendable personal property purchased with grant funds--Equipment shall be used on the original project as long as needed.

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White--being used on the original project--equipment may be made available for shared use with other activities--provided that use will not interfere with its use for the original project--When no longer needed for the original purpose, equipment may be used for other projects--provided that projects of the Department are given first priority if there is a choice--the grantee shall determine whether there is a continued need for equipment in terms of the original project or purpose--An equipment purchase acquisition inventory listing form indicating equipment or materials purchased with program funds shall accompany the program closure package which is sent to the Department following the end of the grant period--if the unit costs \$500.00 or more and the unit has a life span of one or more years.

4† Right to Examine Records/Record Retention--The grantee as often as deemed necessary by the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives shall allow full access to and the right to examine any pertinent books, documents, papers, and records of the grantee involving transactions relating to this grant for a period of three years from the date of the Department's receipt of the grant closure package--the grantee shall include in all its contracts under this grant a provision that the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers, and records of any such contractor involving transactions related to the grant program and of the Department's receipt of the grant closure package--whenever it is later--all grantees must adhere to the provisions contained in 43 Ill. Admin. Code 400.0 and the Local Records Act (Ill. Rev. Stat. 1997, ch. 115, part 43-10 et seq.).

5† Grant Closure--the grantee shall be responsible for completing the grant closure package which shall be provided by the Department and identified the financial status of the grant--the grantee shall upon submission of the closure package within 45 days after expiration of the grant, whichever is first, shall refund to the Department any balance of funds which were unexpended or obligated at the end of the grant period--in addition, the grantee shall repay the Department for any funds that are determined by the Department to have been spent in violation of the grant contract--if the grant contract should terminate for any reason, the closure package shall be due within 45 days after the date of termination.

(Source: Repealed at 19 Ill. Reg. **15374**, effective OCT 20 1995)

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1) Heading of the Part: Boat Access and Development Program

2) Code Citation: 17 Ill. Adm. Code 3035

3) Section Numbers: Adopted Action:

3035.20 Amendments
3035.30 Amendments
3035.40 Amendments
3035.50 Amendments
3035.60 Amendments
3035.70 Amendments
3035.80 Amendments

4) Statutory Authority: Implementing and authorized by Section 63a25 of the Civil Administrative Code [20 ILCS 805/63a25] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1].

5) Effective Date of Rulemaking: October 26, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: October 24, 1995

9) Notice of Proposal Published in Illinois Register: August 4, 1995, 19 Ill. Reg. 11259

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 3035.20, "agency" was changed to read "agencies."

In Section 3035.60(a)(8), the period at the end of the paragraph was changed to a question mark.

In Section 3035.70(n), the citations were changed to read "[210 ILCS 95]" and [410 ILCS 25]."

Section 3035.70(o)(1)(E), was changed to read as follows: "Boats with gasoline or diesel motors shall not be prohibited from using any facility funded through State Boating Act Funds to launch and recover unless the facility is a designated canoe launch facility as approved by the Department."

12) Have all the changes agreed upon by the agency and JCAR been made as

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indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to revise/clarify outdated language and revise the grant formula for approved acquisition projects.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

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a) Grant applications for funding assistance under the program must be submitted to and received by the Department no later than September 1 of each calendar year. Awarding of grants will be made under the authority and directive of the Director of the Department. The number of grants awarded is limited to the total amount of funds available for the program in the given fiscal year.

- b) The project application consists of the following components:
- 1) Completed application forms
 - 2) Location map
 - 3) Site plan
 - 4) Site Premise/Plat Map
 - 5) Resolution of the governing body of the Local Agency authorizing submittal of an application for assistance from the Boat Access Area Construction Program
 - 6) Proof of land ownership or lease
 - 7) Acknowledgement of State review and sign-off regarding cultural resources [20 ILCS 3420/1], endangered species [520 ILCS 10/11], wetlands [20 ILCS 830/1-1], and prime farmland preservation [505 ILCS 75/1]. Illinois--Historic--Preservation--Agency-sign-off regarding-historical-resource-impact--(Ill-Rev--Stat--1989--ch-1277--par--133021--et--seq--77--Illinois-Department-of-Agriculture sign-off-regarding-prime-farmland-impact--(Ill-Rev--Stat--1989--ch-57-par--1391--et--seq--77--and-Department-of-Conservation-sign-off regarding--wetland-impact--(Ill-Rev--Stat--1989--ch-96--1727--par--9781--et--seq--77

(Source: Amended at 19 Ill. Reg. **15400**; effective OCT 26 1995)

Section 3035.50 Applicable Facilities

The following facilities are eligible for consideration in the construction of boat access areas:

- a) Boat and canoe launching ramp/area
- b) Maneuvering area for car and trailer adjacent to ramps
- c) Parking area to service ramp users
- d) Access road to the ramp (up to 1/4 mile in length) and parking area
- e) Sanitary facilities including potable water supply and sewage facilities
- f) Initial channel improvements in launching ramp area
- g) Security lighting and burial of existing overhead utility lines
- h) Walkways adjacent to and serving ramp
- i) Courtesy docks
- j) Marine sanitary disposal stations
- k) Docks to support gas pumps
- l) Land acquisition necessary to provide boating access to Illinois' surface waters
- m) Other facilities deemed by the Department to add to the ease of

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER 9: GRANTS

PART 3035
BOAT ACCESS AREA DEVELOPMENT PROGRAM

- Section
- 3035.10 Program Objectives
 - 3035.20 Eligibility Requirements
 - 3035.30 Assistance Formula
 - 3035.40 General Procedures for Grant Awards
 - 3035.50 Applicable Facilities
 - 3035.60 Selection Criteria
 - 3035.70 Program Compliance Requirements
 - 3035.80 Program Information Contact

AUTHORITY: Implementing and authorized by Section 63a25 of the Civil Administrative Code [20 ILCS 805/63a25] and Section 10-1 the Boat Registration and Safety Act [625 ILCS 45/10-1].

SOURCE: Adopted and codified at 7 Ill. Reg. 5858, effective April 27, 1983; amended at 9 Ill. Reg. 2910, effective February 26, 1985; amended at 11 Ill. Reg. 15896, effective September 21, 1987; amended at 15 Ill. Reg. 4117, effective March 4, 1991; amended at 16 Ill. Reg. 1797, effective January 17, 1992; amended at 19 Ill. Reg. **15400**, effective OCT 26 1995.

Section 3035.20 Eligibility Requirements

Local Agencies eligible for assistance under this grant program include municipalities, townships, counties, park districts, conservancy districts and port districts, or any other local government agencies local-Agency capable of providing lands for public recreational purposes.

(Source: Amended at 19 Ill. Reg. **15400** effective OCT 26 1995)

Section 3035.30 Assistance Formula

Financial Assistance up to 100% of eligible project construction costs and 90% 50% of eligible project land acquisition costs can be provided through this program.

(Source: Amended at 19 Ill. Reg. **15400** effective OCT 26 1995)

Section 3035.40 General Procedures for Grant Awards

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operations or maintenance, or add to the use of the facility, so long as it applies to, and is of use to the boating public.

(Source: Amended at 19 Ill. Reg. 15400, effective OCT 26 1995)

Section 3035.60 Selection Criteria

a) The following criteria will be taken into consideration by the Department in evaluating and selecting projects for funding. Numerical values will be established for each of the criteria as follows:

- 1) Financial Cooperation - financial participation by the Local Agency. (0-10)
- 2) Projected Usage - demand for and anticipated usage of the proposed facility. 0-25)
- 3) Impact on Business - impact on privately owned boating related business in the area. (0 or -5)
- 4) Site Suitability - site related conditions and design features relating to the proposed development grant. (0-20)
- 5) Program Suitability - is the proposed project in line with the overall purpose of the grant program? (0 or -10)
- 6) Ability to Maintain - capability of the applicant to operate and maintain the facility. (0-10)
- 7) User Fees - are user fees being charged; are they fair and equal; are charges the same for residents and non-residents of sponsor's jurisdiction? (0-5)
- 8) Cost/Benefit Assessment and User Input Justification - is project justified by local plan or user study reflecting public input and anticipated use level? (0-8) ~~Regional/Local-Needs---High-or-low priority-regional-and-county-need-as-identified-in-the--Statewide Comprehensive-Outdoor-Recreation-Plan-(SCORP)---(0-8)~~
- 9) Water Body Served - priority given to providing boater access to major bodies of water in Illinois. (0-15)
- 10) Current Access Availability - initial access to body of water given priority. (0-7)
- b) The Department Grant--Section--staff will review, evaluate and prioritize the applications utilizing the criteria listed above and ~~will--forward--their-recommendations-to-the-Director-of-the-Department for-a-final-determination.~~ Awarding of grants is on a competitive basis and made under authority and directive of the Director of the Department of Natural Resources. In arriving at a final determination, the Director will consider the recommendations of the Department Grant--Section staff, Department of Natural Resources Advisory Board Members and the criteria listed above.

(Source: Amended at 19 Ill. Reg. 15400, effective OCT 26 1995)

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Section 3035.70 Program Compliance Requirements

- a) The land to be used in development of boat access areas must be owned in fee simple or leased by the Local Agency. The Local Agency must provide proof of ownership or lease before plans for the facility can proceed. The term of the lease is determined by the amount of the contract.
- b) For projects receiving assistance to acquire land for a boat access area, acquisition of the project property must be completed within nine (9) months following project approval, with the exception of those involving eminent domain. An independent appraisal must be completed by the sponsoring agency and certified by the Department to establish a fair market value for the project property. For land valued at over \$25,000, two appraisals may be required. The appraisal(s) appraisals must be a full analytical narrative reports prepared by certified appraisers. Title to any property for which grant reimbursement is sought shall not be taken nor payment made for such property by the sponsoring agency before Department approval is received. Grant payment shall be limited to no more than 90% 50% reimbursement of the certified fair market value and in no case shall exceed actual cash payment for the property.
- c) Land acquired with grant assistance must be subsequently developed as a public boat access area in general accordance with the approved project application proposal within three (3) years following the date title is secured for the property. Failure to improve the property for such use within the three (3) year time period shall result in the property being considered "converted" from its intended use necessitating remedial action, as specified in subsection (p) by the Local Agency.
- d) The Local Agency is required to enter into a Standard Agreement with the Department in an amount agreed upon by the Local Agency and the Department as that necessary to complete the Department's share of project costs. Any costs incurred in the development and construction of the facilities in excess of the specified amount shall be paid by the Local Agency.
- e) The Local Agency shall employ a competent engineering or architectural firm to develop necessary plans and specifications and to provide all other necessary design and construction supervision services for an approved project. Any engineering or architectural agreement or contract must be approved by the Department prior to its acceptance by the Local Agency. The Department shall approve the agreement or contract based upon the design fee, the construction cost, and the project complexity. The Department may waive this requirement if the local agency possesses duly licensed and qualified in-house engineering and/or architectural staff capable of performing such services.
- f) If the Local Agency, by its unilateral action, terminates the project at any point short of its completion, the Local Agency shall be liable

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for all costs incurred and all monies forwarded to the Local Agency related to the project. The Local Agency shall agree to indemnify the Department and hold it harmless from any and all liability.

- g) The Local Agency shall present to the Department all plans, specifications, contracts or documents and cost estimates for all work to be done by a specified date. If this date cannot be met, it will be the responsibility of the Local Agency to show cause in writing to the Department. The plans and specifications shall contain the seal and signature of a registered Professional Engineer or Architect as the case may be. The Local Agency shall provide documentation to the Department that advertised bids were published for all ~~the~~ the work to be completed through ~~must be advertised for~~ public letting for through competitive bids ~~and~~ and all bidding tabulations shall be submitted to the Department for approval of the lowest qualified bid. The Department shall approve the Local Agency's recommendation of the lowest qualified bid provided it does not exceed approved project ~~grant~~ grant funding and it is within the engineer's estimate. The Local Agency shall thereafter certify their approval of the lowest qualified bid at their next regular meeting following approval by the Department. The Local Agency shall be responsible for the completion of the project within the time period specified in the contract.
- h) The Local Agency shall insert as an integral part of any contract with the approved bidder the following provisions:

- 1) That the Contractor shall abide by and comply with all applicable Local, State and Federal laws in connection with contracts involving public funds, the construction or development of public buildings, works or facilities.
- 2) That the Contractor shall furnish to the Local Agency and the Department performance bond(s) with surety or sureties, with penalty or loss clauses, relating to the construction of the proposed facilities and any losses or damages arising out of, or by virtue of said construction by the Contractor of the specified boat launching facilities, insuring, benefitting and protecting the Local Agency and the Department.
- 3) That the Contractor shall personally and individually, agree to furnish evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the Local Agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property, arising out of, through, under or by virtue of the construction and development of the specified boat launching or access facilities.
- 4) That the Contractor shall furnish progress or pay estimate reports to the Local Agency and the Department at thirty (30) day intervals indicating:
 - A) Units of work completed, and
 - B) Percentage of work completed for thirty (30) day period and to date.
- i) Upon the Department's receipt of each progress report or pay estimate

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- submitted by the Local Agency which is within the scope of the contract, the Department shall issue payment.
- j) The Local Agency shall agree to display a Boat Access Area Development grant program sign provided by the Department at the project site for the period of time so indicated in Section 3035.70(g). The Local Agency may substitute a comparable sign of its own design if approved by the Department.

- k) The Local Agency will notify the Department prior to the beginning of any construction. A Department ~~representative~~ engineer will make inspections of the project as construction progresses and ~~he will~~ be available for assistance upon request. A final inspection of the completed project must be made by the ~~Chief Engineer~~ Chief Engineer of the Department ~~or his authorized representative~~ prior to final grant payment to ~~by~~ the Local Agency.

- l) The Local Agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of the proposed boat launching and access facilities.
- m) The Local Agency shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to the following agencies:

- 1) U.S. Army Corps of Engineers.
- 2) Illinois Department of Natural Resources regarding cultural resources, endangered species, wetlands, and water resource impacts.

- 3) ~~Illinois State~~ Illinois State Department of Transportation (Division of Water Resources or Highways).

- 4) ~~Illinois~~ Illinois Historic Preservation Agency.

- 5) ~~Illinois~~ Illinois Local Building or Zoning Agencies, or Boards, where applicable.

- n) The Local Agency agrees to comply with the Recreational Area Licensing Act [210 ILCS 95] and ~~Illinois~~ Illinois ~~Rev. Stat. 1909, ch. 112, par. 761-1-1~~ Rev. Stat. 1909, ch. 112, par. 761-1-1 ~~and Section 1167 of the Illinois~~ and Section 1167 of the Illinois ~~Endangered Species Protection Act (Ill. Rev. Stat. 1909, ch. 97, par. 341b7).~~ Endangered Species Protection Act (Ill. Rev. Stat. 1909, ch. 97, par. 341b7).

- o) The Local Agency shall agree to abide by the following Operation and Maintenance provisions:

- 1) General.
 - A) Operation and maintenance of the grant project facility is the responsibility of the Local Agency. The boat launching and access facilities shall be continuously operated and maintained by the Local Agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.

- B) All land and water areas which are open to the public shall

DEPARTMENT OF CONSERVATION

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be available for use and enjoyment by the public without regard to race, color, sex, national origin, age or disability. No lessee or licensee of an area under a concessionaire providing a service to the public, including facilities and accommodations, shall discriminate against any person or persons because of race, color, sex, national origin, age or disability in the conduct of its operation under the lease, license or concession agreement.

C) No improvements, alterations or modification of these facilities shall be permitted except with the prior approval in writing by the Department. Approval will be given by the Department if the improvements, alterations or modifications comply with the criteria in Section 3035.50.

D) The Department shall have access to all facilities at all times to ensure management and use of such facilities are in compliance with specified program regulations.

E) ~~An official from the Department shall inspect the facilities prior to June 1st of each year to insure all deficiencies reflected in the inspection report have been corrected by the Local Agency.~~

~~F) Boats with gasoline or diesel motors shall not be prohibited from using any facility funded through State Boating Act Marine-Motor-Fuel-Tax Funds to launch and recover unless the facility is a designated canoe launch facility as approved by the Department.~~

2) User Fees.

A) The Department discourages the charging of user fees; however, the Local Agency may, by formal resolution of the governing unit, charge minimal fees to offset operation and maintenance, security, and public health and safety costs.

B) In the case of locally owned water impoundments the incurred costs to be offset may also include navigational aids, rescue aids, water patrol and other related costs which are absolutely necessary.

C) No other costs will be allowed in calculating the minimal fee. Any discretionary fee for special services which is not a part of the project funded from Marine Motor Fuel Tax Revenue, such as boat slips, moorings or other services that cannot be used by all boaters, shall be levied separately.

D) The setting, administering and justifying of the fees to the general public is primarily the responsibility of the Local Agency. The Department reserves the right to ensure that any fee is within the scope of the contract.

E) The Local Agency shall maintain accounting records to explain receipt and disposition of all fees related to the launching facility and the Department may request or audit such records at anytime to ensure the revenue received from the fees is being used to operate and maintain the facility.

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F) If fees are determined necessary by the Local Agency, the charging of reasonable daily fees as well as seasonal use fees shall be provided to assure that the occasional user is afforded access to the waters served by the facility. In the event the boat access facility is within the boundaries of a public park or recreational area, no annual fee shall be required non-park district residents using only the boat launching facility constructed or improved with the aid of this grant. However, a daily fee may be required by the Local Agency provided it does not exceed the annual park district fee for residents, computed on a daily basis.

G) Prior to charging of user fees, the Local Agency is required to give public notice of said fees at least 30 days in advance of the effective date of such fees and provide a copy of the proposed fee schedule and the public notice to the Department prior to implementation.

H) The method of collecting fees shall be established by the Local Agency. However, the general public shall not be restricted from use of the facility upon arrival if an authorized representative of the Local Agency is not present to receive the required fee.

I) An information sign which lists rules and regulations regarding fees shall be posted in a conspicuous place which is near a boat ramp or launching site.

3) Routine:

~~The operation and maintenance of the facility is the responsibility of the Local Agency.~~

p) Properties acquired or developed with grant assistance hereunder must not be converted to a use which would deny public boat access and use of Illinois' surface waters per terms of this Part without prior approval of the Department of Natural Resources Conservation approval. Approval for conversion of property acquired per terms of this Part shall only be granted upon the following:

1) the local agency provided replacement property of at least equal fair market value and comparable recreational usefulness, quality and general location; or

2) the repayment of funds to the State of Illinois equal to the actual amount of grant funds disbursed hereunder or 50% of the property's certified fair market value at the time of conversion, whichever is greater.

q) For projects receiving development/construction grant assistance only, terms of the grant program agreement between the Local Agency and the Department shall no longer apply after the time period established below relating to the total amount of grant funds received to aid the facility.

Total Grant Amount	Time Period	After Receipt of Final Grant Payment
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NOTICE OF ADOPTED AMENDMENTS

0-\$25,000 7 years
 \$26,000 - \$100,000 12 years
 \$100,000 - \$250,000 17 years
 over \$250,000 25 years

- r) Leasing or assignment of a Department funded facility is prohibited without prior approval of ~~notification~~ to the Department.
- s) The Local Agency shall agree that in the event of its breach or non-compliance with any of the terms of the agreement between the Local Agency and the Department that ten (10) days following receipt of a written notice from the Department of the existence of said breach or non-compliance, if said condition is not corrected within this ten (10) day period, that the Department shall thereafter have full right and authority to take such action as it deems necessary whether by way of injunction or otherwise to enforce the provisions of the agreement to prevent the continued breach or violation thereof by the Local Agency. It is further agreed by the Local Agency, that in the event it is adjudicated by any court that its activities are deemed to be a breach or violation of the agreement, as a part of the relief awarded to the Department, that the Local Agency will reimburse the Department for the legal fees and all costs incurred by the Department in the pursuit of its rights under this paragraph. For purposes of this paragraph, "legal fees" shall be deemed to be the entire sum presented for payment by any attorney or law firm to the Department relating to the claim of the Department alleging the Local Agency's breach or violation, said sum being approved for payment by the Attorney General's office of the State of Illinois. For purposes of this paragraph, "costs" shall be deemed to be all those expenses, including court costs, reasonably incurred by the Department. In the event of breach of the agreement, the Department reserves the right to demand return of any state funds awarded under the agreement.
- t) The Local Agency shall agree that the Department reserves the right to audit records relative to the agreement.

(Source: Amended at 19 Ill. Reg. **15400**, effective OCT 26 1995)

Section 3035.80 Program Information Contact

Write: Illinois Department of Natural Resources Conservation

Division of Grant Administration **Technical-Services**

524 South Second St.

Lincoln Tower Plaza

Springfield, Ill. 62701-1787

Telephone: 217-782-7481

(Source: Amended at 19 Ill. Reg. **15400**, effective OCT 26 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) Section Numbers: Adopted Action:
 670.10 Amendments
 670.20 Amendments
 670.50 Amendments
 670.60 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- 5) Effective Date of Rulemaking: October 26, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: October 24, 1995
- 9) Notice of Proposal Published in Illinois Register: August 4, 1995, 19 Ill. Reg. 11271
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
 In Section 670.60(i), "... a limited disabled hunting opportunity exists" was changed to read "a limited hunting opportunity for persons with disabilities exists..."
- In Section 670.60(j) - the spelling of "Wayne Fitzgerald" was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add information regarding a disabled archery deer hunting program at Kankakee River State Park.

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NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section	
670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements - Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired at March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. **15411**, effective **Oct 26 1995**.

Section 670.10 Statewide Open Seasons and Counties

- All regulations set forth in Chapter 61, Section 2.26 of the Wildlife Code apply in this rule.
- For Cook, DuPage, Kane and Lake counties - October 1 through the first Thursday after January 10.
- For all other counties - October 1 through the first Thursday after

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January 10, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources (Department or DNR) ~~Conservation~~-(Department-or-DNR) owned or managed sites designated in Section 670.60 by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

(Source: Amended at 19 Ill. Reg. 15411, effective OCT 26 1995)

Section 670.20 Statewide Deer Permit Requirements

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits are available over-the-counter (OTC) from license vendors as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for resident archery combination permits shall be \$25.00; nonresident archery combination permits shall be \$120.00. A single either-sex archery deer permit will be available until September 1 of each year by mail only from the Permit Office. The fee for a resident archery single permit shall be \$15.00; a nonresident archery single permit shall be \$100.00. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. For the single either-sex or landowner/tenant permit applications and other information, write to:

Department of Natural Resources Conservation

Archery Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

Springfield, Illinois 62794-9227

- b) To obtain the single either-sex permit or a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his individual application. The combination archery deer permits are available from license vendors located throughout the State. Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- c) Beginning dates for acceptance of applications for the single either-sex permit will be announced publicly. Archery applications received after September 1 will be rejected and the fees returned.
- d) Permits are not transferable. Refunds will not be granted.
- e) A three dollar \$3.00 service fee will be charged for replacement

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permits issued by DNR the ~~Department-of--Conservation--~~-(Department--or-DNR), except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.

- f) There is no limit to the number of combination archery deer permits that an individual may purchase, but each individual is limited to one of the single either-sex permits per season.

(Source: Amended at 19 Ill. Reg. 15411, effective OCT 26 1995)

Section 670.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant for one of the permits available from the Permit Office is in violation of one of the following subsections, in addition to other penalties the application shall be held in suspension, and any application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and any fee collected shall be retained by DNR Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

- 1) Using a hunting rights lease, mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain an archery deer permit;
 - 2) Submitting more applications in the same name or by the same person for an archery deer permit than allowed for in Sections 670.21;
 - 3) Providing false and/or deceptive information on the deer permit application form;
 - 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36) [520 ILCS 5/3.36].
- b) In the event that the purchaser of a combination archery deer permit is in violation of one of the following subsections, the permit will be revoked in addition to any other penalties. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530.
- 1) Providing false and/or deceptive information on the deer permit form.
 - 2) Purchasing an archery deer permit when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
 - c) Any violations of the Wildlife Code [520 ILCS 5] or administrative

DEPARTMENT OF CONSERVATION

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rules of the Department (17 Ill. Adm. Code, Chapter 1), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 19 Ill. Reg. **15411**, effective **OCT 26 1995**)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Argyle Lake State Recreation Area (2)

- * Anderson Lake Fish and Wildlife Area (2)

- * Banner Marsh Fish and Wildlife Area (2)

- * Big Bend State Fish and Wildlife Area (1)(2)

Big River State Forest (2)

Cache River State Natural Area (1)(2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl season)

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Castle Rock State Park (1)(2)

Coffeen Lake State Fish and Wildlife Area (2)

Crawford County Conservation Area (1)(2)

Dog Island Wildlife Management Area (1)(2)

- * Eldon Hazlet State Park (2)

Ferne Clyffe State Park (1)(2)

Fort de Chartres State Historic Site (1)(2)

Fort Massac State Park (1)(2)

Franklin Creek State Park (2)

Giant City State Park (1)(2)

Heidecke State Fish and Wildlife Area (2)(3)

Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1)(2)

I-24 Wildlife Management Area (1)(2)

Jubilee College State Park (2)(4)

Kaskaskia River Fish and Wildlife Area (1)(2), except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1)(2)

Lowden-Miller State Forest (1)(2)(4)

Mackinaw River Fish and Wildlife Area (1)(2)

Marseilles Wildlife Area (closed Friday, Saturday, and Sunday in October) (1)(2)

Marshall Fish and Wildlife Area (2)

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Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24

Mt. Vernon Propagation Center (1)(2)

Oakford Conservation Area

Panther Creek Conservation Area (1)(2)

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1)(2)

Pere Marquette State Park (area east of Graham Hollow Road) (2)

Pike County Conservation Area (2)

Pyramid State Park (1)(2)

* Randolph County Conservation Area (1)(2)

* Red Hills State Park (1)(2)

Rend Lake State Fish and Wildlife Area

Rice Lake Fish and Wildlife Area (2)

Saline County Fish and Wildlife Area (1)(2)

* Sam Parr State Park (1)(2)

Sangamon County Conservation Area

Sangamon State Wildlife Area (1)

Shabbona Lake State Park (2)

Shelbyville Wildlife Management Area (1)

Siloam Springs State Park (1)(2)(4)

Silver Springs State Park (2)

Tapley Woods State Natural Area (1)(2)

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Trail of Tears State Forest (1)(2)

Turkey Bluffs Fish and Wildlife Area (1)(2)

Union County Conservation Area (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing) (1)(2)

Walnut Point Fish and Wildlife Area (1)

* Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1)(2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

h) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)

Rend Lake State Fish and Wildlife Area (designated area on refuge only December 15-17, 1995)

Union County Conservation Area (designated areas only, October 27-29, 1995)

i) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (except Inner Peninsula and Mascoutin areas) (1)

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Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

Eagle Creek State Park

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Hidden Springs State Forest (1)

Joliet Army Ammunition Plant (an additional \$15 fee will be assessed upon registration) (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24) ‡‡‡

Kickapoo State Park (1)

Maitino State Fish and Wildlife Area (1)

Mermet Lake Conservation Area (1)(2)

Middle Fork Fish and Wildlife Area (1)

Mississippi Palisades State Park (November 1 through December 31) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

Pekin Lake Fish and Wildlife Area (1)

Ramsey Lake State Park (1)

Sam Dale Lake Conservation Area (1)

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Sand Ridge State Forest (1)

Sangchris Lake State Park (1)(5)

Site M (1)(4)

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

Spring Lake Fish and Wildlife Area (1)

Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Witkowsky State Wildlife Area (1)

j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park' (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season. Tuesday hunting hours close at 2:00 p.m. and hunters must check out by 3:00 p.m. Season reopens on December 26 till close of regular season.

Green River State Wildlife Area (1)(2)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Park

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (1)(2)

k) Statewide regulations shall apply at the following sites except that hunter quotas are filled by mail-in drawing. Hunters must harvest one doe before being allowed to take an antlered deer.

Clinton Lake (Inner Peninsula and Mascoutin areas only)

(Source: Amended at 19 Ill. Reg. **15411**, effective **OCT 26 1995**)

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1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 680

3) Section Numbers: Adopted Action:

680.10 Amendments
680.20 Amendments
680.50 Amendments
680.70 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) Effective Date of Rulemaking: October 26, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: October 24, 1995

9) Notice of Proposal Published in Illinois Register: July 14, 1995, 19 Ill. Reg. 9370

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 680.10(b), "Conservation" was changed to "Natural Resources" and "news release" was changed to "public announcement."

In Section 680.20(a) and (j), "Conservation" was changed to "Natural Resources."

In Section 680.70(a), "Conservation" was changed to "the Department."

In Section 680.70(a)(3), "[520 ILCS 5/3.36]" -- which was new language -- was underscored.

In Section 680.70(b), "Section 1.1, et seq., of" was stricken.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to standardize application dates; eliminate the head/antler tag; define "antlerless deer"; and change the permitting review process to allow permit fees to be returned to applicants that mistakenly filed improper applications.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

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date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:
Department of Natural Resources Conservation
(Handgun Deer Season)

Deer Permit Office
524 South Second Street, Room 210
Post Office Box 19227
Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through the tenth weekday in November November-14 for the Handgun Deer Season in the following January. Applications post-marked after the tenth weekday in November November-14 shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code (4111-Rev-Stat-1991-617--part-3-36) (520 ILCS 5/3.36).
- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- g) Recipients of the Handgun Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt) and physical description on the permit and must carry it on their person while hunting.
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Natural Resources Conservation, or the application shall be returned. Applicants should not send cash with

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 680
WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

Section
680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.30 Deer Permit Requirements - Group Hunt
680.40 Statewide Handgun Requirements for Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective OCT 26 1995.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on Friday of the second 3-day weekend (Friday, Saturday, Sunday) in January to sunset on Sunday of this 3-day weekend in January. Shooting hours are one-half hour before sunrise to sunset.
- b) For the purpose of removing surplus deer, the Department of Natural Resources Conservation (Department) shall open select counties and sites to handgun deer hunting. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement news-release. These counties also will be listed in the instructions contained in with the current Handgun Deer Permit Application.

(Source: Amended at 19 Ill. Reg. 15422, effective OCT 26 1995)

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00) and must be 18 years of age or older by the opening

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their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 19 Ill. Reg. 15422, effective OCT 26 1995)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long. Bag--limits--one deer--legally-authorized-permit.
- b) The leg tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler-tag-and-hide--tag--must--be attached--to--the--appropriate--parts--when--the--deer/parts--of--deer--is delivered--to--a--licensed--fur--buyer--tanner--or--taxidermist--for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist, furbuyer, or tanner for processing must supply the taxidermist, furbuyer, or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, furbuyer, or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 19 Ill. Reg. 15422, effective OCT 26 1995)

Section 680.70 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by the Department Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the

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violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned. Improper applications will be rejected and the fee--retained by--Conservation--and--proper--applications--shall--be--processed--

- 1) Submitting more applications in the same name or by the same person for a Handgun Deer Permit than the number of legally authorized permits.
- 2) Providing false and/or deceptive information on the deer permit application form.
- 3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (11--Rev--Stat--1991--ch--617--par--3-36) [520 ILCS 5/3.36].
- 4) Submitting an incomplete or incorrect application.
- b) Any violation of Section 117--et--seq--7 of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 19 Ill. Reg. 15422, effective OCT 26 1995)

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1) Heading of the Part: Health Care

2) Code Citation: 20 Ill. Adm. Code 415

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
415.10	Amend
415.15	Amend
415.20	Amend
415.30	Amend
415.50	Amend
415.60	Amend
415.70	Amend
415.80	Add

4) Statutory Authority: Implementing Sections 3-2-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3 and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3 and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].

5) Effective Date of Rulemaking: November 15, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 30, 1995

9) Notice of Proposal Published in Illinois Register:

June 7, 1995 19 Ill. Reg. 8853

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Clarifying language was added regarding physical examinations. Minor style modifications and typographical error corrections have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

This rule is being amended to delete gender specifics, add definitions for clarity, update agency names, and add provisions for organ transplants.

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16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald N. Snyder, Jr., Deputy Director
Address: Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Adopted Amendment begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 415
HEALTH CARE

Section

- 415.10 Applicability
- 415.15 Responsibilities
- 415.20 Definitions
- 415.30 Medical and Dental Examinations and Treatment
- 415.40 Mental Health Services
- 415.50 Mental Health Examinations and Treatment for Guilty but Mentally Ill
- 415.60 Review of Placements in a Specialized Mental Health Setting
- 415.70 Involuntary Administration of Psychotropic Medication
- 415.80 Organ Transplants

AUTHORITY: Implementing Sections 3-2-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3 and 5-2-6 of the Unified Code of Corrections (730 ILCS 5/3-2-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3 and 5-2-6) and authorized by Section 3-7-1 of the Unified Code of Corrections (730 ILCS 5/3-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14496, effective August 1, 1984; amended at 11 Ill. Reg. 10240, effective June 1, 1987; emergency amendment at 14 Ill. Reg. 13316, effective August 15, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 988, effective January 12, 1991; amended at 19 Ill. Reg. 15428 effective NOV 15 1995.

Section 415.10 Applicability

This part applies to the Adult, Juvenile, and Community Services Divisions of the Department of Corrections (Department).

(Source: Amended at 19 Ill. Reg. 15428, effective NOV 15 1995)

Section 415.15 Responsibilities

- a) Unless otherwise specified, the Director, Chief Administrative Officer, or Agency Medical Director may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a rule in this Part specifically states the Director, Chief Administrative Officer, or Agency Medical Director shall personally perform the duties. However, the Director, Chief Administrative Officer, or Agency Medical Director may designate another person or persons to

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perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 19 Ill. Reg. 15428, effective NOV 15 1995)

Section 415.20 Definitions

- a) "Agency Medical Director" means the Medical Director of the Department of Corrections.
- b) "Chief Administrative Officer" means the highest ranking official of a correctional facility.
- c) "Communicable disease" means a disease caused by an organism which is transmitted through airborne means and/or casual contact, or through blood or bodily secretion contact from one human being to another.
- d) "Department" means the Department of Corrections.
- e) "Department physician or dentist" means any physician or dentist who provides services for the Department.
- f) "Director" means the Director of the Department of Corrections.
- g) "Gravely disabled" means a condition in which a committed person, as a result of a mental illness or mental disorder:
 - 1) is in danger of serious physical harm resulting from the person's his failure to provide for his or her essential human needs of health or safety; or
 - 2) Manifests serious deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over the person's his actions which is likely to jeopardize his or her health or safety.
- h) "Likelihood of serious harm" means:
 - 1) A substantial risk that physical harm will be inflicted by a committed person upon his or her own person as evidenced by, among other things, threats or attempts to commit suicide or inflict physical harm on one's self; or
 - 2) A substantial risk that physical harm will be inflicted by a committed person upon another as evidenced by, among other things, behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or
 - 3) A substantial risk that physical harm will be inflicted by a committed person upon the property of others as evidenced by, among other things, behavior which has caused substantial loss or damage to the property of others.
- i) "Mental health professional" means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, or an individual who has a master's degree in social work and clinical training.
- j) "Physician" means an individual who is licensed by the State of Illinois to practice medicine in all of its branches.
- k) "Specialized mental health setting" means a Department of Corrections

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j) A record of all medical and dental examinations, findings, and treatment shall be maintained.

(Source: Amended at 19 Ill. Reg. 15428, effective NOV 15 1995)

Section 415.50 Mental Health Examinations and Treatment for Guilty but Mentally Ill

a) Within 48 hours after of admission to a reception and classification center, each committed person adjudicated guilty but mentally ill shall be screened by a mental health professional.

b) An examination by a licensed or registered mental health professional shall be performed on a committed person adjudicated guilty but mentally ill within four days after of the committed person's admission to a reception and classification center. The purpose of the examination is to determine the mental health status of the individual at the time of admission to the Department and to make any appropriate recommendations necessary for the care of such individuals. Committed persons so examined:

1) Who demonstrate acute symptoms of mental illness or who are determined to be dangerous to self or others shall be treated in accordance with the procedures applicable to other committed persons. Treatment may include routine or emergency placement in a specialized mental health setting. Committed persons placed in a specialized mental health setting shall remain as long as determined to be clinically necessary.

2) Who are determined not to be in need of placement in a specialized mental health setting may receive necessary treatment services in a general institutional setting when such services are clinically recommended by a mental health professional.

3) Who are found to be symptom free or in remission at the time of admission to the Department and are not in need of mental health treatment shall be placed in a general institutional setting.

c) Once placed in a general institutional setting, these committed persons shall be examined or evaluated by a mental health professional at a minimum of every three months for the first six months and then every six months thereafter.

1) These committed persons may be referred by appropriate staff or may request an examination or evaluation more frequently.

2) More frequent examinations may also be performed at the discretion of the examining mental health professional as determined to be clinically necessary.

d) Three months prior to the scheduled release date of a committed person adjudicated guilty but mentally ill, an evaluation by a mental health professional shall be conducted to assess the person's post-release treatment needs, which may include residential care, outpatient counseling, psychotropic medication, periodic psychiatric or

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facility or unit which specializes in mental health care.

(Source: Amended at 19 Ill. Reg. 15428, effective NOV 15 1995)

Section 415.30 Medical and Dental Examinations and Treatment

a) Within seven working days after of admission to a reception and classification center, each committed person shall be given a physical examination by a physician or by a nurse practitioner under the direct supervision of a physician, or by a physician's assistant under the direct supervision of a physician, and Each committed person shall be immunized as prescribed by the physician.

b) Each committed person shall be examined by a dentist within 10 working days after of admission to a reception and classification center. The dentist shall chart be-responsible-for-charting the oral cavity and classify classifying dental health.

c) Emergency treatment shall be available to committed persons 24 hours a day.

d) A health care unit or area shall be established at each correctional facility within the Adult and Juvenile Divisions. Committed persons shall be admitted to the health care unit or area as determined by health care personnel.

e) Committed persons shall be informed of the institutional procedures for obtaining medical, dental, or mental health services.

f) Persons committed to the Adult and Juvenile Division facilities shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.

g) A committed person who has or is suspected of having a communicable disease may be isolated from other committed persons. This determination shall be made by a physician as deemed medically necessary.

h) In case of critical illness or major surgery, the Chief Administrative Officer shall attempt to notify the person designated by the committed person to be contacted in case of an emergency and, where applicable, the parent or guardian.

i) The decision to continue or terminate a pregnancy is a medical determination which shall be made by the committed person in consultation with her physician.

1) Committed persons contemplating an abortion shall be provided with information and counseling concerning the nature of, the consequences of, and any risks associated with the procedure and available alternatives.

2) Committed persons shall be granted a furlough for the purpose of obtaining an abortion. Committed persons shall be permitted to accept funds for an abortion from local community charities or other sources.

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- b) A request for a review hearing may be made at anytime by a committed person placed at a specialized mental health setting and must be granted at least once every six months.

(Source: Amended at 19 Ill. Reg. 15428, effective NOV 15 1995)

Section 415.70 Involuntary Administration of Psychotropic Medication

- a) Administration of Psychotropic Medication
- 1) Psychotropic medication shall not be administered to any committed person against his or her will or without the consent of the parent or guardian of a minor who is under the age of 18 and confined in the Juvenile Division, unless:
 - A) A psychiatrist, or in the absence of a psychiatrist a physician, has determined that:
 - i) The committed person suffers from a mental illness or mental disorder; and
 - ii) The medication is in the medical interest of the committed person; and
 - iii) The committed person is either gravely disabled or poses a likelihood of serious harm to himself self or others; and
 - B) The administration of such medication has been approved by the Treatment Review Committee after a hearing (see subsection (b) of this Section). However, no such approval or hearing shall be required when the medication is administered in an emergency situation. An emergency situation exists whenever the required determinations listed in subsection (a)(1)(A) of this Section have been made and a psychiatrist, or in the absence of a psychiatrist a physician, has determined that the committed person poses an imminent threat of serious physical harm to self himself or others. In all emergency situations, the procedures set forth in subsection (e) of this Section shall be followed.

- 2) Whenever a physician orders the administration of psychotropic medication to a committed person against the person's will, the physician shall document in the committed person's medical file the facts and underlying reasons supporting the determination that the standards in subsection (a)(1) of this Section have been met and:
 - A) The Chief Administrative Officer shall be notified as soon as practicable; and
 - B) Unless the medication was administered in an emergency situation, the Chairperson of the Treatment Review Committee shall be notified in writing within three days.
- b) Treatment Review Committee Procedures

The Treatment Review Committee shall be comprised of two members

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psychological evaluation, high level parole supervision, commitment to Department of Mental Health and Developmental Disabilities, or other supportive services (e.g., sheltered workshops, group homes, or vocational training and assistance in obtaining needed treatment or services).

- 1) If the committed person has received psychotropic medication within the previous 12 months, this report must include a psychiatric evaluation of the need for medication or psychiatric monitoring.
- 2) A copy of the report shall be provided to the appropriate field service office.
- e) Within 30 days before of the scheduled release date of a committed person adjudicated guilty but mentally ill, a final evaluation by a mental health professional shall be conducted to determine whether any changes in the person's mental or emotional status may affect the previous evaluation of the person's post-release treatment needs. A report shall be prepared and forwarded to the appropriate field service office no later than seven days prior to the committed person's scheduled release date.

(Source: Amended at 19 Ill. Reg. 15429, effective NOV 15 1995)

Section 415.60 Review of Placements in a Specialized Mental Health Setting

- a) A review of each committed person placed at a specialized mental health setting shall be made at least once every six months.
- 1) The review shall be conducted by a staff psychiatrist and the Administrator of the mental health center or unit or his designee.
 - 2) Written results of the review shall be given to the committed person.
 - 3) If the recommendation is for the committed person to continue in the program at the mental health center or unit, the individual may request a review of that decision by the Placement Review Board.
- A) The Placement Review Board shall be composed of three members appointed by the Director--one. One member shall be a mental health professional and one member shall not be employed by the Department.
 - B) The Placement Review Board shall review all psychiatric records and may interview the petitioner. The Board may call any employee or other person to present information determined to be relevant to the review.
 - C) An agreement by a majority of the Board shall be considered the decision of the Board.
 - D) The decision shall be delivered to the committed person in writing.

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appointed by the Chief Administrative Officer, both of whom shall be mental health professionals and one of whom shall be a physician. One member shall serve as Chairperson of the Committee. Neither of the Committee members may be involved in the current decision to order the medication. The members of the Committee shall have completed a training program in the procedural and mental health issues involved which has been approved by the Agency Medical Director.

1) The Chief Administrative Officer shall designate a member of the program staff not involved in the current decision to order medication to assist the committed person. The staff assistant shall have completed a training program in the procedural and mental health issues involved which has been approved by the Agency Medical Director.

2) The committed person and staff assistant shall receive written notification of the time and place of the hearing at least 24 hours prior to the hearing. The notification shall include the tentative diagnosis and the reasons why the medical staff believes the medication is necessary. The staff assistant shall meet with the committed person prior to the hearing to discuss the procedural and mental health issues involved.

3) The committed person shall have the right to attend the hearing unless the Committee determines that it is likely that the person's attendance would subject the person to a substantial risk of serious physical or emotional harm or pose a threat to the safety of others. If such a determination is made, the facts and underlying reasons supporting the determination shall be documented in the committed person's medical file. The staff assistant shall appear at the hearing whether or not the committed person appears.

4) The documentation in the medical file referred to in subsection (a)(2) of this Section shall be reviewed by the Committee and the Committee may request the physician's personal appearance at the hearing.

5) Prior to the hearing, witnesses identified by the committed person and the staff assistant may be interviewed by the staff assistant after consultation with the committed person as to appropriate questions to ask. Any such questions shall be asked by the staff assistant unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.

6) Prior to the hearing, the committed person and the staff assistant may request in writing that witnesses be interviewed by the Committee and may submit written questions for witnesses to the Chairperson of the Committee. These questions shall be asked by the Committee unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility. If any witness is not interviewed, a written reason shall be provided.

7) Prior to the hearing, the committed person and the staff

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assistant may request in writing that witnesses appear at the hearing. Any such request shall include an explanation of what the witnesses would state. Reasonable efforts shall be made to have such witnesses present at the hearing, unless their testimony or presence would be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility, or for other reasons including, but not limited to, unavailability of the witness or matters relating to institutional order. In the event a requested witness is unavailable to appear at the hearing but ~~is~~ is otherwise available, ~~they~~ he shall be interviewed by the Committee as provided for in subsections (b)(6) and (9) of this Section.

8) At the hearing, the committed person and the staff assistant may make statements and present documents which are relevant to the proceedings. The staff assistant may direct relevant questions to any witnesses appearing at the hearing. The committed person may request that the staff assistant direct relevant questions to any witnesses appearing at the hearing and the staff assistant shall ask such questions unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.

9) The Committee shall make such investigation as it deems necessary. The staff assistant shall be informed of any investigation conducted by the Committee and shall be permitted to direct relevant questions to any witnesses interviewed by the Committee. The staff assistant shall consult with the committed person regarding any statements made by witnesses interviewed by the Committee and shall comply with requests by the committed person to direct relevant questions to such witnesses unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.

10) The Committee shall consider all relevant information and material which has been presented in deciding whether to approve administration of the medication.

11) A written decision shall be prepared and signed by all members of the Committee which contains a summary of the hearing and the reasons for approving or disapproving the administration of the medication. Copies of the decision shall be given to the committed person, the staff assistant, and the Chief Administrative Officer. Any decision by the Committee to approve involuntary administration of psychotropic medication must be unanimous. The Chief Administrative Officer shall direct staff to comply with the decision of the Committee.

12) If the Committee approves administration of the medication, the committed person shall be advised of the opportunity to appeal the decision to the Agency Medical Director by filing a written appeal with the Chairperson within five days after of the

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committed person's receipt of the written decision.

c) Review by Agency Medical Director

1) If the committed person appeals the Treatment Review Committee's decision, staff shall continue to administer the medication as ordered by the physician and approved by the Committee while awaiting the Agency Medical Director's decision on the appeal.

2) The Chairperson of the Committee shall promptly forward the written notice of appeal to the Agency Medical Director or a physician designated by the Agency Medical Director.

3) Within five working days after ~~of his~~ receipt of the written notice of appeal, the Agency Medical Director shall:

- A) Review the Committee's decision, make such further investigation as ~~deemed~~ necessary, and submit a written decision to the Chief Administrative Officer; and
- B) Provide a copy of the written decision to the committed person, the staff assistant, and the Chairperson of the Committee.

4) The Chief Administrative Officer shall direct staff to comply with the decision of the Agency Medical Director.

d) Periodic Review of Medication

1) Whenever any committed person has been involuntarily receiving psychotropic medication continuously or on a regular basis for a period of six months, the administration of such medication shall, upon the committed person's written request, be reviewed by the Treatment Review Committee in accordance with the procedures enumerated in subsections (b) and (c) of this Section. Every six months thereafter, for so long as the involuntary medication continues on a regular basis, the committed person shall have the right to a review hearing upon written request.

2) Every committed person who is involuntarily receiving psychotropic medication shall be evaluated by a psychiatrist at least every 30 days, and the psychiatrist shall document in the committed person's medical file the basis for ~~the his~~ decision to continue the medication.

e) Emergency Procedures

Subsequent to the involuntary administration of psychotropic medication in an emergency situation:

1) The basis for the decision to administer the medication shall be documented in the committed person's medical file and a copy of the documentation shall be given to the committed person and to the Agency Medical Director for review.

2) A mental health professional shall meet with the committed person to discuss the reasons why the medication was administered and to give the committed person an opportunity to express any concerns he or she may have regarding the medication.

f) Documentation

Copies of all notifications and written decisions shall be placed in the committed person's medical file.

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g) Grievances

A committed person may submit a grievance concerning the involuntary administration of psychotropic medication directly to the Administrative Review Board in accordance with 20 Ill. Adm. Code 504.Subpart F. In considering the grievance, the Board shall confer with the Agency Medical Director.

h) Minors in the Juvenile Division

In the case of a committed person who is a minor under the age of 18 and confined in the Juvenile Division, the parent or guardian shall be sent the documentation and written decisions that are provided to the committed person pursuant to this Section and shall be permitted to attend and participate in any proceedings required by this Section. Notice of any Treatment Review Committee hearing shall be promptly sent to the parent or guardian and reasonable attempts shall be made to provide such notice at least 72 hours prior to the hearing.

(Source: Amended ^{at} 19 Ill. Reg. **15428**, effective **NOV 15 1995**)

Section 415.80 Organ Transplants

a) The Department shall grant a medical furlough for purposes of obtaining an organ transplant if:

1) The committed person or the parent or guardian of a minor who is under the age of 18 and confined in the Juvenile Division has made all necessary arrangements with the organ transplant facility, including application for eligibility as a recipient of an organ donor and appropriate financial arrangements. The committed person must be accepted by an approved organ transplant facility prior to approval of the medical furlough;

2) The Agency Medical Director confirms that the committed person would be a suitable candidate for an organ transplant which is needed to preserve the committed person's life or prevent irreparable harm; and

3) The organ transplant facility is approved by the Agency Medical Director and the Chief Administrative Officer.

b) The committed person or the parent or guardian of a minor who is under the age of 18 and confined in the Juvenile Division shall be responsible for the cost of the organ transplant procedure, including but not limited to pre-transplant evaluations performed by the transplant facility, the hospital stay, the physicians' services and other medical services involved. The committed person shall be permitted to accept funds for the organ transplant from local community charities or other sources. The cost of the transportation and security for the committed person shall be paid by the committed person, whenever possible.

c) The Department shall direct the committed person or the parent or guardian of a minor who is under the age of 18 and confined to the

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Juvenile Division to the organ transplant facilities and known sources of funding associated with an organ transplant.
d) Use of in-State transplant facilities is preferred. Out-of-State facilities shall be considered if no in-State facility is available and if the committed person or the parent or guardian of a minor who is under the age of 18 and confined to the Juvenile Division signs a waiver of extradition.

(Source: Added at 19 Ill. Reg. 15428, effective NOV 15 1995.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.3 Amendment
140.5 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 26, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 26, 1995
- 9) Notice of Proposal Published in Illinois Register: June 23, 1995 (19 Ill. Reg. 8066)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
Section 140.3
 In subsection (a)(6), the word "program" has been changed to "Program".
 In subsection (b)(15), the word "Chiropractic" has been changed to "Chiropractic".
 At the end of subsection (c)(3), the two stricken asterisks have been deleted.
 Subsection (c)(15) has been revised to read, "Hospice services."
Section 140.5
 In subsections (a) and (b), "State Transitional Program" and "State Family and Children Program" have been changed to "State Transitional Assistance Program" and "State Family and Children Assistance Program", respectively.
 In subsection (a)(9), the word "prosthesis" has been changed to "protheses"; the word "and" at the end of the subsection has been deleted.

DEPARTMENT OF PUBLIC AID

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In subsection (a)(10), the period at the end of the subsection has been changed to a semicolon. The word "and" has been added after the semicolon.

Subsection (p) has been changed to subsection (a)(11) and reads, "Hospice services."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.16	Amendment	September 15, 1995 (19 Ill. Reg. 12937)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.445	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.447	Amendment	July 7, 1995 (19 Ill. Reg. 9388)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.500	Amendment	July 14, 1995 (19 Ill. Reg. 9386)
140.504	Amendment	July 14, 1995 (19 Ill. Reg. 9386)
140.505	Repeal	July 14, 1995 (19 Ill. Reg. 9386)
140.535	Amendment	July 21, 1995 (19 Ill. Reg. 10390)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

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140.932 Repeal October 20, 1995 (19 Ill. Reg. 14530)
140.932 M Amendment October 20, 1995 (19 Ill. Reg. 14530)

15) Summary and Purpose of Amendments: These proposed amendments are being filed in conjunction with the State's budget plan for fiscal year 1996, by providing for cost containment measures in some areas of the Department's medical assistance programs. The initiatives contained in these amendments are necessary to control costs associated with medical services covered by the Department, and thereby meet restrictions imposed by the new budget plan.

Under these proposed amendments, coverage for medical services will be reduced, effective July 1, 1995. This reduction in medical coverage will affect certain services which are not mandatory under the federal Medicaid Program. Optional Medicaid funded care will be eliminated, for recipients age 21 or over, for dental services, chiropractic services, podiatric services, and optical services and supplies.

Reduced medical coverage will also affect recipients of financial assistance under General Assistance for the State Transitional Program and the State Family and Children Program, by eliminating coverage for dental services and optical services and supplies.

These cost containment measures are necessary for the implementation of the fiscal year 1996 budget plan, to permit the Department to continue to provide adequate reimbursement levels for essential medical services and to prevent excessive and unnecessary expenditures.

The Department estimates that the reduction in overall spending for medical services, resulting from the proposed elimination of coverage for certain medical services, will be approximately \$24.4 million for fiscal year 1996. The breakdown of this decrease in spending, per medical service, is as follows: dental, \$22.3 million; chiropractic, \$200,000; podiatric, \$600,000; and optical, \$1.3 million.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under the Medical Assistance Programs for AFDC-MANG, ABB-MANG, RRP, and Individuals Under Age 18--Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and in Home Care (Model Waiver)
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

DEPARTMENT OF PUBLIC AID

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140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
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140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recodified)
140.73 Drug Manual Updates (Recodified)
Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
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140.416	Optometric Services and Materials
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140.425	Podiatry Services

DEPARTMENT OF PUBLIC AID

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140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
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140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
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140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
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140.458	Prior Approval for Therapy Services
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140.461	Clinic Participation, Data and Certification Requirements
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140.477 Limitations on Equipment, Supplies and Prosthetic Devices
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 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
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 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
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 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life
 140.506 Provider Voluntary Withdrawal
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 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
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 140.514 Certifications and Recertifications of Care
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 140.525 Quality Incentive Program (QUIP) Payment Levels
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 140.535 Costs for Interest, Taxes and Rent
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 140.542 Cost Reports-Filing Requirements
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140.583 Campus Facilities
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 140.652 Terms of Assurances and Contracts
 140.680 Effective Date of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
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SUBPART F: MEDICAID PARTNERSHIP PROGRAM

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 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
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 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
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SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
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140.903 Definitions (Recodified)
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 140.905 Statewide Rates (Repealed)
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 140.926 Client Eligibility
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 140.930 Reimbursement
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

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 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
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 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
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 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
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TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;

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amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10303, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6245, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **15441**, effective

OCT 26 1995

SUBPART A: GENERAL PROVISIONS

Section 140.3 Covered Services Under the Medical Assistance Programs for ~~AFDC-MANG,--AABD,--AABD-MANG,--RRP,--Individuals--Under-Age-18-Not-Eligible-for-AFDC,--Pregnant-Women-Who-Would-Be-Eligible-if-the-Child-Were-Born-and-Pregnant-Women,--and--Children--Under-Age-18-Who-Do-Not-Qualify--As--Mandatory-Categorically-Needy-and-Disabled-Persons--Under-Age-21--Who-May-Qualify--for-Medicaid-and-in-Home-Care-(Model-Waiver)~~

a) As described in this Section, the following medical services shall be covered for:

- 1) recipients of financial assistance under the Department's AABD (Aid to the Aged, Blind or Disabled), AFDC (Aid to Families with Dependent Children), or Refugee/Entrant/Repatriate programs;
- 2) recipients of medical assistance only under the AABD program (AABD-MANG); and
- 3) recipients of medical assistance only under the AFDC program (AFDC-MANG);¹
- 4) individuals under age 18 not eligible for AFDC (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);
- 5) disabled persons under age 21 who may qualify for Medicaid and in-home care (Model Waiver); and

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- 6) recipients eligible under the State Transitional Assistance Program who are determined by the Department to be disabled.
- b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a) above:
 - 1) Inpatient hospital services;
 - 2) Hospital outpatient and clinic services;
 - 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;²
 - 4) Encounter rate clinic visits;
 - 5) Physician services;
 - 6) Pharmacy services;
 - 7) Home health agency visits;
 - 8) Laboratory and x-ray services;
 - 9) Group care services;
 - 10) Family planning services and supplies;
 - 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
 - 12) Transportation to secure medical services;
 - 13) Medichex (EPSDT) services;
 - 14) Dental services;
 - 15) Chiropractic services;
 - 16) Podiatric services;
 - 17) Optical services and supplies;
 - 18) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through - 140.396; and
 - 19) Hospice services.

c) The following medical services shall be covered for recipients age 21 or over who are included under subsection (a) above:

- 1) Inpatient hospital services;
- 2) Hospital outpatient and clinic services;
- 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;
- 4) Encounter rate clinic visits;
- 5) Physician services;
- 6) Pharmacy services;
- 7) Home health agency visits;
- 8) Laboratory and x-ray services;
- 9) Group care services;
- 10) Family planning services and supplies;
- 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- 12) Transportation to secure medical services;
- 13) Medichex (EPSDT) services;
- 14) Subacute alcoholism and substance abuse services pursuant to

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Sections 140.390 through 140.396; and

15) Hospice services.

~~AGENCY-NOTE:--The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.~~

(Source: Amended at 19 Ill. Reg. 15441, effective OCT 26 1995)

Section 140.5 Covered Medical Services Under General Assistance 6A

a) The following medical services shall be covered for recipients of financial assistance under the Department's GA-t General Assistance program for both the State Transitional Assistance Program and the State Family and Children Assistance Program, unless otherwise indicated:

- a) Inpatient hospital services (State-Family and Children Program only); *
- b) Hospital outpatient and clinic services for surgical procedures, renal dialysis or cancer therapy (State-Family and Children Program only); *
- c) Hospital emergency room visits (State-Family and Children Program only); **

- 1) * Encounter rate clinic visits;
- 2) * Physician services;
- 3) * Vital pharmacy services (items necessary for life maintenance or to avoid life threatening situations); ***

- 4) * Vital medical supplies and equipment;
- 5) * Group care services, subject to prior approval;
- 6) * Family planning services;
- 7) * Laboratory and x-ray services;
- 8) * Transportation to secure medical services;

- i) Dental services (Emergency only); -- relief of pain and infection including necessary filling and extractions; *
- m) Optical services and supplies if the GA-recipient has obtained employment and needs glasses to work;
- 9) * Prostheses, orthoses (only when essential for employment or expediting hospital discharge); ***

- 10) * Home health agency visits (only on a prior approval basis when the medical condition is documented by the physician as terminal); and ****
- 11) Hospice services.

p) Hospice:

- b) The following medical services shall be covered for recipients of financial assistance under General Assistance only for the State Family and Children Assistance Program, not the State Transitional Assistance Program, in addition to the services covered under subsection (a) above:

- 1) Inpatient hospital services. (Physical rehabilitation services

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and psychiatric services are not covered for General Assistance recipients age 18 or over);

- 2) Hospital outpatient and clinic services for surgical procedures, renal dialysis or cancer therapy; and

- 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.

~~AGENCY-NOTE:--Physical rehabilitation services--and--psychiatric services are not covered for GA-age 18 and over.~~

~~AGENCY-NOTE:--The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.~~

~~AGENCY-NOTE:--Those items necessary for life maintenance or to avoid life threatening situations.~~

~~AGENCY-NOTE:--Only when essential for employment or expediting hospital discharge.~~

~~AGENCY-NOTE:--Only on a prior approval basis when the medical condition is documented by the physician as terminal.~~

(Source: Amended at 19 Ill. Reg. 15441, effective OCT 26 1995)

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1) Heading of the Part: Therkelsen/Hansen College Loan Fund

2) Code Citation: 89 Ill. Adm. Code 835

3) Section Numbers: Adopted Action:

835.10	New
835.20	New
835.30	New
835.35	New
835.40	New
835.40	New
835.50	New

4) Statutory Authority: Implementing Section 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5 and 13].

5) Effective Date of Rulemaking: October 30, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 30, 1995

9) Notice of Proposal Published in Illinois Register:

April 21, 1995, 19 Ill. Reg. 5952

10) Has JCARE issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Substantive changes from Adm. Code and JCARE included: In line 7 - added "and Management" after "Purpose". In line 9 - deleted "Borrowers". In line 89 - deleted "to". All other Adm. Code and JCARE technical changes were made.

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking is being proposed to allow DORS to manage the Therkelsen/Hansen College Loan Fund through the Illinois School for the Deaf (ISD). The rule for the management of this fund contains the following five sections:

835.10 Purpose and Management of the Fund. This section has been divided

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into subsection (a) Detailing why the fund was established and its purpose, and subsection (b) covering how the fund will be managed.

835.20 Definitions. To clarify terms used in the rule four definitions were included.

835.30 Borrower's Eligibility for Loan. Includes subsections (a) residency requirements, (b) documentation required to prove residency, (c) documentation required of applicants under eighteen years of age, (d) applicants for additional loans residency and grade requirements, (e) student status of candidates for a loan, and (f) release of information requirements to verify applicant background information.

835.35 Award of Loan. This section is divided into two sub-sections, (a) considerations that will be taken into account by the oversight committee prior to an award being made, and (b) who will receive priority when the fund cannot meet all requests.

835.40 Terms of the Loan Agreement. This section details the parameters of the loan. Subsection maximum and minimum amounts that can be loaned. Subsection (b) interest rate of the loan. Sub-section (c) the number of loans a student can receive. Subsection (d) repayment of the loan. Subsection (e) repayment schedule. Subsection (f) early pay off of the loan. Subsection (g) situations that will allow the loan to be forgiven. Subsection (h) action to be taken against those not repaying the loan in accordance with the loan agreement.

835.50 Use of Funds. This section is divided into subsections (a) detailing what the funds may be used for, and (b) to whom the funds will be paid.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 785-3896 TTY: (217) 785-9301

The full text of the Adopted Rule begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 835

THERKELSEN/HANSEN COLLEGE LOAN FUND

Section 835.10	Purpose and Management of Fund
835.20	Definitions
835.30	Eligibility for Loan
835.35	Award of the Loan
835.40	Terms of the Loan Agreement
835.50	Use of Funds

AUTHORITY: Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5 and 13].

SOURCE: Adopted at 19 Ill. Reg. 15460, effective OCT 30 1995.

Section 835.10 Purpose and Management of Fund

- a) The Therkelsen/Hansen College Loan Fund (Fund) is established to provide assistance to Illinois deaf and hard of hearing individuals with a financial need to pay for post-secondary expenses at any institution of higher learning which has a program specifically designed for deaf and hard of hearing students.
- b) The loan fund is managed through the Illinois School for the Deaf (ISD) by the Therkelsen/Hansen College Loan Fund Committee (Committee) which is established by the Department of Rehabilitation Services (DORS). The Committee shall consist of five individuals. The DORS' Director or his/her designee shall appoint four individuals representing the Illinois State Board of Education, DORS, public schools serving the deaf and hard of hearing, and the deaf community. Their terms shall be for two years and shall not exceed two consecutive terms. The ISD administrator shall serve ex-officio.

Section 835.20 Definitions

For the purpose of this Part, the following terms have the following meanings:

"Deaf" and "Hard of Hearing" means a diagnosis of a hearing impairment of 30 db or greater in the better ear.

"Full Time Student" means a student carrying a full study load as determined by the institution he/she is attending or plans to attend.

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"Illinois Resident" means a person who shall have resided in Illinois in some capacity other than as a student at a post-secondary educational institution for a period of at least twenty-four continuous months immediately prior to the application for the loan.

"Institution of Higher Learning" means a institution with educational or vocational programs which offer a certificate, associate degree, bachelor's degree, master's degree or any other specialized degree and provides direct communication, instructional programs or support services for the deaf or hard of hearing.

Section 835.30 Eligibility for Loan

- a) The applicant for a loan from this Fund shall be a graduate of the Illinois School for the Deaf (ISD) or be a deaf or hard of hearing resident of Illinois (as defined in Section 835.20).
- b) If the applicant is not a graduate of ISD, the following records and/or identification cards shall show proof of Illinois Residency:
 - 1) Illinois high school or college transcript;
 - 2) Illinois driver's license;
 - 3) State identification card;
 - 4) apartment rent agreement, house mortgage statement or property tax bill;
 - 5) Illinois Income Tax form IL-1040; or
 - 6) hospital, doctor or clinic record.
- c) A person who reapplies for a second, third or fourth loan must continue to meet the Illinois residency requirement and shall have achieved a "C" average (2.0 on a 4.0 point scale).
- d) Successful applicants shall be registered as full-time students.
- e) The applicant will be required to give permission to the Committee to make inquiries and obtain information so that the information on the application may be verified by the Committee.

Section 835.35 Award of the Loan

- a) In awarding the loan, the Committee shall consider the amount of funds available, the applicant's stated financial need supplied in the Loan Application, the applicant's available financial resources and the total number of applicants.
- b) When all eligibility criteria are met and funds are not available to cover all requests, an applicant from an undergraduate program shall receive priority over a student from a graduate program.

Section 835.40 Terms of the Loan Agreement

- a) The minimum yearly amount of a loan shall be \$500 and the maximum yearly amount shall be \$4,000, and the maximum amount that can be borrowed over four years shall be \$16,000.

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- b) The interest rate for each loan shall be assigned at the time the original loan is made and shall remain fixed at that rate for all successive loans for that student.
- c) A student shall receive only one loan per calendar year up to a maximum of four years, but the four years need not be consecutive.
- d) Interest shall begin accruing and repayment of the loan shall begin six months after:

- 1) graduation,
- 2) the student ceases to be a full-time student, or
- 3) the expiration of the four years of eligibility, whichever comes first.

Payment of the principal, but not the interest, may be deferred if the individual continues his/her undergraduate program or enters graduate school.

- e) Repayment of the loan will follow a payment schedule as established by the Committee based on the ability to repay, employment and earnings. The maximum time period that will be allowed to repay a loan is ten years. The minimum monthly repayment is \$50.00.

- f) The loan may be paid off prior to the time it is due without penalty.
- g) The loan will be forgiven if the individual who received the loan dies or becomes further disabled in a way that permanently interferes with employment or the ability to repay. Repayment of the loan may be deferred if the individual incurs temporary disability that interferes with employment of the ability to repay until the temporary disability ceases.

- h) Legal or other collection action shall be taken against individuals judged by the Committee capable of making reasonable monthly payments based upon employment, earnings and other debts, but not making payments in accord with the loan agreement.

Section 835.50 Use of Funds

- a) Loan funds can only be used to pay tuition, fees, books, specialized educational equipment and room and board, and when approved by the Committee, costs of transportation and specific living expenses necessary for completion of the educational program.

- b) Loan funds will be sent directly to the institution of higher learning. If it is not possible to make direct payment to the institution, a receipt for expenses shall be required from the student before payment is issued. An advance of funds may be provided if the student can show financial hardship, need for the expense, and a reasonable estimate of the cost.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Numbers: Adopted Action:
1050.1335 Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].
- 5) Effective Date of Rulemaking: October 31, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 13, 1995
- 9) Notice of Proposal Published in Illinois Register: July 28, 1995, 19 Ill. Reg. 10979
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Technical and formatting changes recommended by the Administrative Code Division and JCAR at First and Second Notices were incorporated in the final version.

In response to a suggestion by the Attorney General's Office, in the first sentence of Section 1050.1335(a), the word "a" was deleted and replaced with the phrase "Except as prohibited by federal statute or regulation, a".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 1050.1335 amends provisions of the rules providing for licensees to receive monies from borrowers prior to loan closings and to retain certain monies if loans do not close. Several disputes have arisen involving mortgage brokers based upon the prior language of the rule; the new amendment, written in consultation with industry, clarifies that language.
- 16) Information and questions regarding this adopted amendment shall be

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

directed to:

John Arthur
Office of the Commissioner of Savings and Residential Finance
500 East Monroe St., Suite 800
Springfield, IL 62701-1509
(217) 782-6181

The full text of the Adopted Amendment begins on the next page:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER VIII: COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	Act
1050.110	Administrative Decision
1050.115	Assisting
1050.120	Commissioner
1050.125	Control
1050.130	Document
1050.135	Employee
1050.140	First Tier Subsidiary
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1050.160	Other Regulatory Agencies
1050.165	Party
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1050.185	

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1050.210	License Fees
1050.220	Amended License Fees - Corporate Changes
1050.230	Duplicate Original License Fees
1050.240	Examination Fees
1050.250	Additional Full-Service Office Fees
1050.260	Hearing Fees
1050.270	Late Fees (Repealed)
1050.280	Manner of Payment
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SUBPART C: LICENSING

Section	Application for an Illinois Residential Mortgage License
1050.310	Application for Renewal of an Illinois Residential Mortgage License
1050.320	Waiver of License Fee
1050.330	Full-Service Office
1050.340	Additional Full-Service Office
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1050.410	Net Worth
1050.420	Line of Credit (Repeal)
1050.425	Examination Frequency
1050.430	Late Audit Reports
1050.440	Escrow
1050.1050	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section	
1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority - Unusually High Rate

SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

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Section

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

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1050.1010	Loan Brokerage Agreement
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SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document
1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Copies of Signed Documents
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SUBPART K: GENERAL LENDING PRACTICES

Section	
1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
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1050.1250	Good Faith Requirements

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section	
1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges Prior to Closing
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close - Disclosure

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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adopted by emergency action at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683 and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendments at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17093, effective October 11, 1988; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendments at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act (205 ILCS 205) at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15465, effective

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SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section 1050.1335 Fees and Charges Prior to Closing

- a) Except as prohibited by federal statute or regulation, a licensee shall not require a borrower to pay any fees or charges prior to the loan closing, except: ~~charges~~ **charges** to be incurred by the licensee on behalf of the borrower for services from third parties necessary to process the application, such as for credit reports and appraisals; and:
 - 1) Commitment Fee
 - A) A commitment fee of up to one per cent may be charged prior to closing only if a licensee is able to demonstrate either that:
 - i) The commitment is provided in writing by the funding entity and accepted in writing by the borrower; or
 - ii) The commitment provided in writing is consistent with a Loan Brokerage Agreement provided to the borrower pursuant to Section 1050.1010 of this Part and signed by the borrower.
 - B) If the commitment provided by the funding entity pursuant to subsection (a)(1) is subject to any condition or conditions, and any condition is not met due to an action or lack of action on the part of the borrower, the licensee may retain the commitment fee. In all other cases, if the loan does not close as agreed by the licensee and the borrower, the licensee shall refund the commitment fee to the borrower.
 - C) A commitment fee may be collected by a licensee even if a loan does not close if:
 - i) Such fee was disclosed in the Loan Brokerage Agreement

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1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

- Section
- 1050.1410 General
- 1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

- Section
- 1050.1510 Applicability
- 1050.1520 Definitions
- 1050.1530 Filing
- 1050.1540 Form of Documents
- 1050.1550 Computation of Time
- 1050.1560 Appearances
- 1050.1570 Request for Hearing
- 1050.1580 Notice of Hearing
- 1050.1590 Service of the Notice of Hearing
- 1050.1595 Bill of Particulars or Motion for More Definite Statement
- 1050.1600 Motion and Answer
- 1050.1610 Consolidation and Severance of Matters - Additional Parties
- 1050.1620 Intervention
- 1050.1630 Postponement or Continuance of Hearing
- 1050.1640 Authority of Hearing Officer
- 1050.1650 Bias or Disqualification of Hearing Officer
- 1050.1660 Prehearing Conferences
- 1050.1670 Discovery
- 1050.1680 Subpoenas
- 1050.1690 Conduct of Hearing
- 1050.1700 Default
- 1050.1710 Evidence
- 1050.1720 Hostile Witnesses
- 1050.1730 Record of Proceedings
- 1050.1740 Briefs
- 1050.1750 Hearing Officer's Recommendation
- 1050.1760 Order of the Commissioner
- 1050.1770 Rehearings and Reopening of Hearings
- 1050.1790 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; part repealed at 12 Ill. Reg. 3042 and new Part

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provided to a borrower pursuant to Section 1050.1010 of this Part and signed by the borrower; and

- ii) A commitment was obtained by the licensee consistent with such Loan Brokerage Agreement if the borrower withdraws the loan application; the borrower has made a material misrepresentation on the loan application; or the borrower has failed to provide documentation necessary to the processing or closing of the loan.

2) **A Rate-Lock Fee** ~~provided:~~

- A) A Rate-Lock Fee Agreement shall be ~~is~~ in writing and signed by both the licensee and prospective borrower.⁷
- B) The Rate-Lock Fee Agreement shall state all of the following:

- i) The expiration date of the Rate-Lock Fee Agreement;⁷
- ii) The amount of the loan;⁷
- iii) The maximum interest rate of the loan;⁷
- iv) The term of the loan;⁷ and
- v) The maximum discount (points) to be paid.⁷

- C) The licensee shall be ~~is~~ able to demonstrate to the Commissioner that:

- i) The licensee is able to perform under the terms of the Rate-Lock Fee Agreement; and
- ii) Subject to verification, the information submitted by the borrower indicates that the loan will be approved in accordance with the Rate-Lock Fee Agreement.⁷

- D) Such fee shall ~~does~~ not exceed one percent (1%) of the loan amount.⁷ ~~and~~

- E) The Rate-Lock Fee shall be ~~is~~ deposited in escrow with the licensee in accordance with the requirements of Section 1050.440 of this Part, for the following distribution:

- i) The Rate-Lock Fee is credited to the borrower at closing; or
- ii) The Rate-Lock Fee must be refunded if the loan does not close in accordance with the Rate-Lock Fee Agreement, except that the Rate-Lock Fee Agreement may be retained by the licensee upon the licensee's ability to demonstrate to the Commissioner any of the following reasons: the borrower withdraws the loan application; the borrower has made a material misrepresentation on the loan application; the borrower has failed to provide documentation necessary to the processing or closing of the loan. ~~+++~~ When the Rate-Lock Fee is to be retained, the licensee shall, ten (10) days prior to taking possession of the fee, send a written notice to the borrower stating the reason for retaining the fee.

3) **Assumption Fee**

- A licensee may charge a borrower an assumption fee for a Federal

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Housing Administration (FHA) or Department of Veterans Affairs (VA) loan assumption, which, by regulation, requires full credit approval prior to closing, subject to the following requirements ~~if:~~

- A) The applicant must qualify for the extension of credit as required under:
 - i) The terms and conditions of mortgages given on property in Illinois which are insured by the Federal Housing Administration and dated on or after December 15, 1989 requiring prior credit approval of the Secretary of Housing and Urban Development.
 - ii) The terms and conditions of mortgages given on property located in Illinois which are guaranteed by the U.S. Department of Veterans Affairs (VA) dated on or after March 1, 1988 and requiring approval of VA or its authorized agent.
- B) The Assumption fee must be credited to the borrower at closing, or must be refunded if the loan does not close in accordance with the Assumption Fee Agreement, except that the Assumption fee may be retained by the licensee if:
 - i) The borrower withdraws the loan application;
 - ii) The borrower has made a material misrepresentation on the loan application; or
 - iii) The borrower has failed to provide documentation necessary to the processing or closing of the loan.
- b) For each violation of this Section, the Commissioner may fine a licensee up to \$500 in addition to all other actions authorized under the Act and this Part Rules.

(Source: Amended OCT 31 1995 19 Ill. Reg. 15465, effective)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Numbers: Adopted Action:
1075.1965 Amendment
- 4) Statutory Authority: Implementing and authorized by the Savings Bank Act [205 ILCS 205].
- 5) Effective Date of Rulemaking: October 31, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 26, 1995
- 9) Notice of Proposal Published in Illinois Register:
July 14, 1995, 19 Ill. Reg. 9391
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Minor technical revisions suggested by JCAR have been incorporated in the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: As amended, Section 1075.1965 prohibits a converted savings bank from repurchasing conversion stock within one year of the conversion, except that the savings bank may repurchase up to 5% of the stock if the Commissioner finds that the repurchase would not adversely affect the savings bank or be inequitable to stock holders and is undertaken for legitimate business reasons.

The FDIC is permitted to approve 5% or less stock repurchases during the first year after conversion where it is in the best interests of the savings bank and its shareholders. The prior language of Section 1075.1965 did not permit this type of repurchase, placing recently converted Illinois savings banks at a disadvantage. The new language corrects this inequity.

- 16) Information and questions regarding this adopted amendment shall be

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

directed to:

Name: John Arthur
Address: Office of the Commissioner of Savings
and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509
Telephone: 217/782-6181

The full text of the Adopted Amendment begins on the next page:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER VIII: COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCEPART 1075
SAVINGS BANK ACT

SUBPART A: FILINGS

Section	
1075.100	Filings
1075.110	Conditions
1075.120	Examination Fees
1075.130	Supervisory Fees
1075.140	Adjusted Supervisory Fees

SUBPART B: DEFINITIONS

Section	
1075.200	Definitions

SUBPART C: REPORTS

Section	
1075.300	Contracts
1075.310	Financial Reports

SUBPART D: OPERATIONS

Section	
1075.400	Capital Stock
1075.410	Minimum Capital Requirement
1075.415	Conflicting Federal Powers, Law and Regulations
1075.420	Advertising
1075.430	Maintenance of Records
1075.440	Business Plan
1075.450	Excess Insurance
1075.455	Vacancies in the Board of Directors
1075.460	Bond of Officers, Directors, Employees and Agents
1075.465	Indemnification of Officers, Directors, Employees and Agents
1075.470	Deceptively Similar Names
1075.480	Manner of Display of Annual Meeting Notice
1075.490	Procedures for Exercise of Dissenters Rights

SUBPART E: INVESTMENTS

Section	
1075.500	Prudent Person Rule
1075.505	Investment Underwriting Practice

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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1075.510	Discrimination and Redlining
1075.515	Loans Secured by Real Estate
1075.520	Construction Loans
1075.525	Mobile Home Financing
1075.530	Overdraft Loans
1075.535	Education Loans
1075.540	Vehicle/Automobile Loans
1075.545	Home Equity Loans
1075.550	Letter of Credit
1075.555	Other Investments
1075.560	Commercial Paper
1075.565	Financial Futures
1075.570	Financial Options
1075.575	Finance Leasing
1075.580	Suretyship
1075.585	Asset Reserves

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Section	
1075.600	Requirements
1075.610	Approval by the Commissioner
1075.620	Investment Limitations
1075.630	Investments by Service Corporations
1075.640	Ownership of Capital Stock of Service Corporation
1075.650	Prohibited Transactions
1075.660	Disclosure to Service Corporation
1075.670	Reporting Requirements
1075.680	Audit Requirements

SUBPART G: RELOCATIONS AND BRANCHING

Section	
1075.700	General
1075.705	Application
1075.710	Request for Preliminary Determination
1075.715	Public Notice and Inspection
1075.720	Protest
1075.725	Oral Argument
1075.730	Application for the Maintenance of Branch Office after Conversion,
	Consolidation, Purchase of Assets or Merger
1075.735	Redesignation of Offices
1075.740	Termination of Operation and/or Closing of a Branch Office
1075.745	Agency Offices
1075.750	Remote Drive-In and/or Remote Pedestrian Facilities

SUBPART H: CAPITAL NOTES AND DEBENTURES

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Section	1075.800	Approval
	1075.810	Conversion to Stock
	1075.820	Priority of Claim
SUBPART I: ADMINISTRATIVE HEARING PROCEDURES		
Section	1075.900	Applicability
	1075.905	Definitions
	1075.910	Early Neutral Evaluation
	1075.915	Conference Adjudicative Hearing
	1075.920	Filing
	1075.925	Form of Documents
	1075.930	Computation of Time
	1075.935	Appearances
	1075.940	Notice of Hearing
	1075.945	Service of the Notice of Hearing
	1075.950	Motion and Answer
	1075.955	Consolidation and Severance of Matters-Additional Parties
	1075.960	Intervention
	1075.965	Postponement or Continuance of Hearing
	1075.970	Authority of Hearing Officer
	1075.975	Bias or Disqualification of Hearing Officer
	1075.980	Prehearing Conferences
	1075.985	Discovery
	1075.990	Subpoenas
	1075.995	Conduct of the Hearing
	1075.1000	Default
	1075.1005	Evidence
	1075.1010	Official Notice
	1075.1015	Hostile Witnesses
	1075.1020	Transcription of Proceedings
	1075.1025	Briefs
	1075.1030	Hearing Officer's Findings, Opinions and Recommendations
	1075.1035	Order of the Commissioner
	1075.1040	Rehearings
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	1075.1050	Costs of Hearing
	1075.1055	Emergency Adjudication
SUBPART J: SAVINGS BANK HOLDING COMPANIES		
Section	1075.1100	Applicability
	1075.1105	Definitions
	1075.1110	Mutual Holding Company Reorganizations
	1075.1115	Prohibition Against Approval of Certain Applications for
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Section	1075.1120	Reorganization
	1075.1125	Contents of Reorganization Plans
	1075.1130	Capital Stock (Repealed)
	1075.1135	Charter (Repealed)
	1075.1140	Control (Repealed)
	1075.1145	Eligible Account Holder (Repealed)
	1075.1150	Eligibility Record Date (Repealed)
	1075.1155	Employee (Repealed)
	1075.1160	Equity Security (Repealed)
	1075.1165	Insured Institution (Repealed)
	1075.1170	Member (Repealed)
	1075.1175	Net Worth (Repealed)
	1075.1180	Officer (Repealed)
	1075.1185	Person (Repealed)
	1075.1190	Qualifying Deposit (Repealed)
	1075.1195	Sale (Repealed)
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	1075.1210	Subsidiary (Repealed)
	1075.1215	Liquidation Account and Proxies
	1075.1220	Mutual Holding Company Ceasing to be a Depository Institution
	1075.1225	Directors of a Mutual Holding Company
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	1075.1235	Stock of a Subsidiary of a Mutual Holding Company
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	1075.1250	Members' Rights
	1075.1255	Investment
	1075.1260	Notice Requirement/Corrective Action
	1075.1265	Insider Abuses
	1075.1270	Determination of the Qualification and Condition of an Out-of-State Acquisition
	1075.1275	Acquisition and Disposal of Subsidiaries
	1075.1280	Dividend Limitations and Waivers
	1075.1285	Officers and Directors List
	1075.1290	Access to Books and Records
	1075.1295	Annual Audit Requirements
	1075.1300	Maintenance of Records
	1075.1305	Notice of Appointment of Independent Accountants
	1075.1310	Holding Company Filing Fees
	1075.1315	Holding Company Supervisory Fees
	1075.1320	Examination Fees
	1075.1325	Conditions
	1075.1330	Manner of Payment
	1075.1335	Conversion of Mutual Holding Companies

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO AN ILLINOIS SAVINGS BANK

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Section
 1075.1400 Scope of Rules
 1075.1405 Definitions
 1075.1410 General Rules for Conversion Plan
 1075.1415 Adopting and Filing of a Conversion Plan
 1075.1420 Conversion Plan Requirements
 1075.1425 Vote by Shareholders and Members
 1075.1430 Issuance of Certificate of Approval
 1075.1435 Final Approval of the Conversion
 1075.1440 Powers of Resulting Savings Bank
 1075.1445 Obligations of Resulting Savings Bank
 1075.1450 Directors of Resulting Savings Bank

SUBPART L: SUPERVISION

Section
 1075.1500 Sale of Offices, Facilities and Equipment
 1075.1510 Purchase of Offices
 1075.1520 Bridge Charters
 1075.1530 Unsafe and Unsound Practices
 1075.1540 Failure to Comply with Report of Examination
 1075.1550 Publication

SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRY-WIDE PROHIBITION

Section
 1075.1600 Scope
 1075.1610 Notice of Intention and Answer
 1075.1620 Removal and Prohibition by Order
 1075.1630 Suspension by Notice
 1075.1640 Industry wide Prohibition
 1075.1650 Unauthorized Participation of Convicted Individual

SUBPART N: ACQUISITION OF CONTROL OF A SAVINGS BANK

Section
 1075.1700 Acquisition of Control of a Savings Bank
 1075.1710 Anti-Takeover Provisions

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section
 1075.1800 Subpart Exclusive -- Prohibition on Conversion Without Approval --
 1075.1805 Waiver of Requirements
 1075.1810 Forms
 1075.1815 Request of Noncompliance Requirements
 1075.1820 Definitions
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1075.1825 Requirements of Plan of Conversion
 1075.1830 Issuance of Capital Stock -- Price
 1075.1835 Stock Purchase Subscription Rights -- Eligible Account Holders
 1075.1840 Stock Purchase Subscription Rights Received by Officers, Directors, and their Associates -- Subordination
 1075.1845 Supplemental Share Purchase Subscription Rights -- Supplemental Eligible Account Holder -- Conditions
 1075.1850 Voting Members Who Are Not Eligible Account Holders
 1075.1855 Sale of Shares Not Sold in Subscription Offering -- Methods -- Conditions
 1075.1860 Uniform Sales Price of Shares Required -- Application to Specify Arrangements on Sale of Shares Not Sold in Subscription Offering
 1075.1865 Savings Account Holder to Receive Withdrawable Savings Account(s) -- Amount
 1075.1870 Liquidation Account -- Establishment and Maintenance Required
 1075.1875 Establishment of Eligibility Record Date Required
 1075.1880 Voting Rights
 1075.1885 Amendment and Termination of Plan of Conversion
 1075.1890 Restriction on Sale of Shares of Stock by Directors and Officers
 1075.1895 Conditions on Shares of Stock Subject to Restriction on Sale
 1075.1900 Registration of Securities -- Marketing of Securities -- Listing of Shares on Securities Exchange or NASDAQ Quotation System
 1075.1905 Reasonable Expenses Required
 1075.1910 Employee Stock Benefit Plan -- Priority
 1075.1915 Employee Stock Benefit Plan -- Contributions
 1075.1920 Plan of Conversion -- Prohibited Provisions
 1075.1925 Optional Provisions in Plan of Conversion
 1075.1930 Approval of Other Provisions
 1075.1935 Amount of Qualifying Deposit of Eligible Account Holder
 1075.1940 Supplemental Eligible Account Holder
 1075.1945 Liquidation Account -- Establishment Required -- Amount -- Function
 1075.1950 Liquidation Account -- Maintenance Required -- Subaccounts
 1075.1955 Liquidation Account -- Distribution Upon Complete Liquidation
 1075.1960 Liquidation Account -- Determination of Subaccount Balances
 1075.1965 Reduction of Subaccount Balance
 Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval
 1075.1970 Limitation on Cash Dividends
 1075.1975 Dividends on Preferred Stock
 1075.1980 Prohibitions on Offer, Sale, or Purchase of Securities
 1075.1985 Acquisitions of Control of a Converted Savings Bank
 1075.1990 Articles of Incorporation - Restrictions Permitted
 1075.1995 Confidentiality of Consideration to Convert -- Remedial Measures for Breach
 1075.2000 Public Statement Authorized
 1075.2005 Adoption of Plan of Conversion -- Notice to and Inspection by Account Holders -- Statement and Letter -- Press Release Authorized
 1075.2010 Statement, Letter and Press Release -- Content Permitted

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Direct Community Offering

AUTHORITY: Implementing and authorized by the Savings Bank Act (Ill. Rev.
Stat. 1991, ch. 17, pars. 7301-1 et seq.) (205 ILCS 205).

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4,
1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective
January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992;
amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at
17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18
Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at

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18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective OCT 31 1995.

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section 1075.1965 Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval

A converted savings bank shall not, for a period of one year from the date of the completion of the conversion, repurchase any of its capital stock, except that capital stock repurchases of no greater than 5% of the capital stock issued in the conversion may be repurchased during this one-year period if the Commissioner finds that:

- a) the repurchase would not adversely affect the financial condition of the savings bank;
 - b) the repurchase would not reduce the savings bank's capital below requirements established by the Commissioner or Federal law;
 - c) the repurchase would be equitable to shareholders;
 - d) the repurchase would be undertaken for legitimate business reason; and
 - e) the information submitted by the savings bank is sufficient upon which to base the findings required by this Section.
- a) No-converted-savings-bank-shall-for-a-period-of-three-years-from-the-date-of-the-completion-of-the-conversion-repurchase-any-of-its-capital-stock-from-any-person,-except-that-this-restriction-shall-not-apply-to-either:
- 1) a--repurchase--on-a-pro-rata-basis-pursuant-to-an-offer-made-to-all-shareholders-of-such--savings--bank--except--if--any--such-repurchase--when-aggregated-with-all-such-repurchases-during-the-immediately-preceding-six-calendar-months-would-result-in-the-repurchase--of--10-percent--or-more--of--the--savings--bank's-outstanding-capital-stock--the-savings-bank-shall-provide-to-the-Commissioner--not-later-than--30--days-before-the-repurchase-written-notice-containing-a-full-description--of--the-repurchase-program--to--be--undertaken--and-the-effect-of-such-repurchases-on-its-capital-position;
 - b) Regarding-subsection-(a)(1)-above-the-Commissioner--shall--disapprove-the-repurchase-program-based-upon-a-determination-that:
 - A) the--repurchase-program-would-adversely-affect-the-financial-condition-of-the-savings-bank;-or
 - B) the--information-submitted--by--the--savings--bank--is-insufficient--upon-which-to-base-a-conclusion-as-to-whether-the-savings-bank's-financial-condition-would-be-adversely-affected;-or
 - C) the--repurchases--would--reduce--the--savings-bank's-capital-below-the-requirements-established-by--the--Commissioner--or-Federal-law;
 - 2) the-repurchase-of-qualifying-shares-of-a-director-or

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- 3) a--purchase--in-the-open-market-by-an-employee-stock-benefit-plan-or-a-management-recognition-plan--in-an-amount--reasonable--and-appropriate-to-fund-the-plan;
- c) Regarding-approval-required-by-subsection-(a)(2)-above--if--the-Commissioner-neither-disapproves-the-repurchase-or-requests-additional-information-within--30-days-of-receipt-of-notice-by-the-Commissioner-the-repurchase-shall-be-considered-approved.

(Source: Amended at 19 Ill. Reg. 15474, effective OCT 31 1995)

DEPARTMENT OF STATE POLICE

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1) Heading of the Part: Exempt Conversation Procedures2) Code Citation: 20 Ill. Adm. Code 12963) Section Numbers: Adopted Action:

1296.10 New Section
 1296.20 New Section
 1296.30 New Section
 1296.40 New Section
 1296.50 New Section
 1296.60 New Section

4) Statutory Authority: Implementing and authorized by Section 14-3(g) of the Criminal Code [720 ILCS 5/14-3(g)] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

5) Effective Date of Rulemaking: October 31, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: October 31, 1995

9) Notice of Proposal Published in Illinois Register: June 2, 1995, 19 Ill Reg 7329

10) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

In the Authority Note, "(P.A. Act 88-677, effective December 15, 1994)" has been deleted; "14-3" has been changed to "14-3g"; and statutory reference has been corrected.

Subpart headings have been inserted before Section 1296.10 and Section 1296.30.

In Section 1296.20, statutory references have been corrected and "the" has been added before "investigating" in the definition "Inventoried".

In Section 1296.30(b), "and" has been added following "time," in the last sentence.

In Section 1296.30(c), comma has been deleted following "720 ILCS 5/14-3(g)" in the first sentence.

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In Section 1296.40, a comma has been added after "prior notification" in the seventh sentence and the phrase following the comma has been changed to "or if the use exceeds ten days and no time period was specified."

In Section 1296.50(b), "of" has been changed to "after" in the fourth sentence following "24 hours".

In Section 1296.50(c)(2), colon has been changed to semicolon.

In Section 1296.50(d), the language following "shall" in the third sentence has been changed to "immediately be inventoried and shall either be retained as evidence within the law enforcement agency conducting the interception or recording or delivered to the Office of the Sheriff."

In Section 1296.50(f), "this" has been changed to "the" following "under".

In Section 1296.60(b), "their" has been changed to "its" following "protection of".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rulemaking: These adopted rules establish regulations related to use of interception and recording devices, retention of recordings, and related reports.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Mr. James W. Redlich
 Address: Chief Legal Counsel
 Illinois State Police
 102 Armory Building
 P.O. Box 19461
 Springfield, IL 62794-9461
 Telephone: 217/782-7658

The full text of the Adopted Rule begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1296

EXEMPT CONVERSATION PROCEDURES

SUBPART A: PROMULGATION

Section
1296.10
1296.20

Purpose
Definitions

SUBPART B: OPERATIONS

Section
1296.30
1296.40
1296.50
1296.60

Interception and Recording Standards
Period of Time
Documentation Requirements
Specifications for Equipment

AUTHORITY: Implementing and authorized by Section 14-3(g) of the Criminal Code [720 ILCS 5/14-3(g)] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 19 Ill. Reg. 15486, effective 007-31-1995.

SUBPART A: PROMULGATION

Section 1296.10 Purpose

The purpose of this Part is to delineate regulations concerning the use of devices in the interception and recording of oral conversations, to adopt measures regarding the retention of tape recordings and reports made as a result of such interceptions, and establish documentation requirements with respect to such interceptions.

Section 1296.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in Section 14-1 of the Criminal Code [720 ILCS 5/14-1]. For purpose of this Part, the following additional definitions apply:

"Act" means Article 14 of the Criminal Code [720 ILCS 5/Art. 14].

"Chief Law Enforcement Officer of the County" means the sheriff of said county.

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"Inventoried" means retained under the policies and procedures of the investigating law enforcement agency conducting the interception or recording; or, if no policy or procedure exists, the policies and procedures established by the Office of the Sheriff of the County in which the interception or recording occurred.

"Prior Notification" means written or verbal notice directed to the State's Attorney's Office informing the State's Attorney of a law enforcement agency's intention to use a listening or recording device pursuant to 720 ILCS 5/14-3(g). The notification shall be deemed to have occurred if delivered by hand; upon verbal communication; or upon faxing or transmitting by any electronic information system.

SUBPART B: OPERATIONS

Section 1296.30 Interception and Recording Standards

a) Interceptions or recordings made pursuant to 720 ILCS 5/14-3(g) of the Act shall be accomplished in a manner and with devices which shall provide the law enforcement agency conducting the interception or recording a method to monitor the safety and security of the consenting party during the conversation between the consenting party and the non-consenting party or parties to the conversation.

b) Any and all recordings of any interception or recording made pursuant to this Section shall be protected from editing or other alteration. The law enforcement officer conducting the interception shall designate the first recording from each device used as the "Original" tape for inventory and reporting purposes. Any duplicates or other recordings made from the "Original" recordings shall be designated "Duplicates" for inventory and reporting purposes. Both the "Original" and "Duplicate" recordings shall be inventoried with the original signed written record. Access to any "original" recording, "Duplicate" recording, or inventoried original written record shall be logged as to the date, time, and identity of the person inspecting, removing, or returning any specified items.

c) The Chief Law Enforcement Officer of the County shall direct that any law enforcement agency that intercepts or records any conversation in said county pursuant to 720 ILCS 5/14-3(g) will either deliver both the written record of the interception or recording and any and all recordings of the interception or recording to the Office of the Sheriff, or retain said written record and recording as evidence within the law enforcement agency. In no event shall the Sheriff deny a request by a law enforcement agency to retain the written record or recordings of interceptions made pursuant to 720 ILCS 5/14-3(g).

Section 1296.40 Period of Time

Prior notification issued under 720 ILCS 5/14-3(g) shall authorize a law

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all recordings of the interception or recording shall immediately be inventoried and shall either be retained as evidence within the law enforcement agency conducting the interception or recording or delivered to the Office of the Sheriff. The written records of the interception or recording conducted under 720 ILCS 5/14-3(g) shall not be destroyed except upon an order of a court of competent jurisdiction and in any event shall be kept for ten years.

- e) Notice of Interception or Recording
Within a reasonable time, but not later than sixty days after the termination of the investigation for which the interception or recording was conducted, or immediately upon the initiation of criminal proceedings, the law enforcement agency conducting the investigation shall serve on the person who was the subject of an interception or recording under 720 ILCS 5/14-3(g), an inventory that shall include:
- 1) Notice that the person was the subject of the interception or recording;
 - 2) Notice of any interception or recording if the defendant was arrested or indicted or otherwise charged as a result of the interception of his or her private oral communication;
 - 3) The date of the interception or recording;
 - 4) The period of interception or recording; and
 - 5) Notice of any interception or recording devices used.

f) A prior notification or notice of interception or recording required under the Act shall not be deemed defective nor shall any interception or recording related to said notification or notice be quashed or abated because of technical irregularities not affecting the substantial rights of any person who has been the subject of an interception or recording pursuant to 720 ILCS 5/14-3(g).

Section 1296.60 Specifications for Equipment

- a) Audio recording tapes shall be virgin standard audio recording cassettes or spools.
- b) The audio recording equipment shall be of a type and quality sufficient to ensure adequate collection and protection of its recording from editing or alteration.

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enforcement agency to use any device for the interception or recording during the time period specified in the prior notification, not to exceed ten days, or for ten days from the date and time the initial prior notification was issued if no interception time period is stated in the prior notification. If the continuing use of a device is required beyond the specified interception period in the initial prior notification, or if the use exceeds ten days and no time period was specified, the law enforcement agency shall issue subsequent notifications to the State's Attorney extending the interception or recording time period in accordance with the prior notification procedures established under the Act.

Section 1296.50 Documentation Requirements

- a) Prior Notification
Prior to the initiation of any period of interception or recording pursuant to 720 ILCS 5/14-3(g), the law enforcement agency shall provide the State's Attorney, in the county in which said recording or listening will occur, prior notification.
- b) A copy of all written prior notification to the State's Attorney shall be maintained by the submitting police agency. Verbal prior notifications to the State's Attorney shall be documented in writing and submitted to the State's Attorney within 24 hours after the verbal notification and a copy shall be retained by the submitting police agency in the same manner as written prior notifications. The prior notification shall contain the following information:
 - 1) The nature of the notice;
 - 2) The agency providing notice;
 - 3) The name of the individual providing notice;
 - 4) The name and phone number of an agency contact;
 - 5) The agency case number;
 - 6) The date and time notice was issued;
 - 7) Information on how the notice was issued;
 - 8) The nature of the offense being investigated;
 - 9) The time period for which the notice shall apply; and
 - 10) The fact there is a consenting party to the conversation.
- c) Written Record of Interception
A signed written record shall be completed by the intercepting or recording law enforcement officer. The signed written record shall include:
 - 1) The day and hours of interception or recording;
 - 2) The time and duration of each intercepted communication;
 - 3) The parties, if known, to each intercepted communication;
 - 4) A summary of the contents of each intercepted or recorded communication;
 - 5) The make, model, and serial number of all interception and recording equipment used to intercept or record; and
 - 6) The signature of the intercepting officer.
- d) Both the written record of the interception or recording and any and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Child Support Enforcement2) Code Citation: 89 Ill. Adm. Code 1603) Section Numbers: Emergency Action:

160.10	Amendment
160.60	Amendment
160.61	New Section
160.62	New Section

4) Statutory Authority: Sections 10-17.7 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-17.7 and 12-13] and Public Acts 88-687 and 89-6.5) Effective Date of Amendments: October 30, 19956) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable7) Date Filed in Agency's Principal Office: October 30, 1995

8) Reason for Emergency: This rulemaking is necessary to comply with provisions of Public Act 88-687 and Public Act 89-6 which require the Department of Public Aid to develop a process for the administrative determination of paternity. Expediting paternity establishment will benefit clients, their children and taxpayers. This process should make paternity determinations easier and improve the Department's ability to collect child support payments. Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7], as amended by Public Act 89-6, specifically authorizes implementation of the administrative paternity determination process by emergency rulemaking.

9) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 88-687 and Public Act 89-6, these proposed amendments establish the administrative process to determine paternity. The Department can use an administrative order to establish paternity and support obligations for a child born out of wedlock who receives cash or medical assistance. The administrative order does not require the caretaker relative and the noncustodial parent of a child born out of wedlock to appear in court to establish paternity or support obligations.

These proposed amendments establish the provisions for the Department's use of the administrative process to establish paternity. The Department will establish the paternity of a child, in Title IV-D cases, through the administrative process wherein the court has not acquired jurisdiction previously, in matters involving:

1. a non-marital child for whom paternity has not been established and

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support is sought from the alleged father;

2. a non-marital child for whom paternity has not been established who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or

3. presumed paternity as set forth in Section 5(a)(1), (2) and (3) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1), (2) and (3)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers.

As a result of this rulemaking, following the IV-D client interview, the Department will contact and interview:

1. the alleged father to establish paternity and support obligations; and

2. the mother to establish an alleged father's paternity of a child, where the alleged father or a caretaker relative other than the mother has physical custody of the child, and to establish the support obligation of the alleged father, the mother, or both.

The purpose of contact and interview will be to obtain relevant facts, including information concerning the child's paternity and responsible relative income, necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

This rulemaking also establishes the provisions for providing a notice of alleged paternity and support obligation to the alleged father and alleged mother and the presumed father from whom child support is sought. The Department will notify each Title IV-D client of the date, time and place of the alleged father interview and that the client must attend the interview.

As a result of these proposed amendments, the Department will enter an administrative paternity order finding the alleged father to be the father of the child where:

1. the alleged father and the child's mother and any presumed father have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the implications of signing such an acknowledgment;

2. the alleged father and the child's mother and any presumed father have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father

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is not excluded and that the combined paternity index is at least 500 to 1;

3. the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
4. the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
5. the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
6. the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing in a case where an adult other than a parent of the child has physical custody of the child;
7. the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment; or
8. the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1.

This rulemaking also establishes that the Department will make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father. In addition, an acknowledgment of paternity or agreement to be bound by the results of genetic testing will not be valid when the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged

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father also signs the acknowledgment of paternity or agreement to be bound by the results of genetic testing, except where the mother or alleged father is head of his or her own household with the child for whom paternity is being determined.

These proposed amendments also establish that the Department will conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child for whom paternity has not been established. The demonstration program will commence with the effective date of these amendments or upon receipt of any federal waivers necessary for implementation, whichever is later. The establishment of paternity within six months of application or redetermination will be a condition of eligibility for AFDC and Medicaid. The Department, rather than the court, will administratively establish paternity and establish child support or medical support in a contested AFDC/Medicaid case. No one whose child is not dependent on assistance will be subject to the administrative system. The only exception to the AFDC requirements will be those cases where the mother provides a sworn statement attesting the fear of abuse by the putative father against her.

Under the demonstration program, the custodial parent and non-marital child for whom paternity has not been established will receive assistance for no longer than six full months unless:

1. the paternity of the child is established before the beginning of or within the six month period;
2. the custodial parent has fully cooperated with efforts to establish the child's paternity, but through no fault of the parent, paternity has not been established;
3. the custodial parent begins to receive assistance while a court action to establish the child's paternity is pending and the parent continues to cooperate with the Department's efforts to establish paternity;
4. the custodial parent has not yet given birth to the child;
5. the putative father of the child is incarcerated out of state and inaccessible to the process for establishing paternity; or
6. the putative father of the child is deceased and the custodial parent provides verification of his death.

In all cases in the demonstration program, the six month paternity establishment period will be abated for any of the following reasons:

1. the custodial parent and non-marital child or children for whom

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Companion amendments are also being proposed in 89 Ill. Adm. Code 104.

10) Are there any Proposed Amendments pending to this Part? Yes

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section 160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100

160.110 Distribution Of Child Support For AFDC Recipients

160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services

160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled

160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section 160.150

160.150 Department Review Of Distribution Of Child Support For AFDC Recipients

160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November

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9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. ~~13492~~ **13492**, effective October 30, 1995, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 160.10 Child Support Enforcement Program

EMERGENCY

a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

- 1) children receiving AFDC;
- 2) children receiving AFDC MANG;
- 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);
- 4) children of applicants for AFDC, or its successor, where the caretaker or specified relative is the putative father or relative of the putative father;
- 5) children of applicants for AFDC, or its successor, where the mother and putative father of the children born out of wedlock are living together;
- 6) children of applicants for AFDC, or its successor, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously cancelled;
- 7) a spouse or former spouse when the former spouse/spouse lives with the child;
- 8) former AFDC recipients following AFDC cancellation pursuant to subsection (g) of this Section ~~below~~;
- 9) persons not receiving AFDC, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services; and
- 10) persons receiving AFDC/MANG that previously received AFDC cash assistance; and
- 11) persons similarly situated to subsections (1) through (10) ~~and~~ above and receiving Title IV-D support services in other states.

b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.

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c) The Division of Child Support Enforcement has sole responsibility for:

- 1) identifying and locating the absent parent;
- 2) establishing the parentage of a child born out of wedlock;
- 3) establishing support obligations;
- 4) enforcing and collecting support;
- 5) receiving and distributing support payments;
- 6) maintaining accurate records of location and support activities; and
- 7) advising the local office of circumstances which may affect the family's eligibility for AFDC or AFDC MANG (for example e-g-r, the father is living in the home, or a child no longer lives in the home, etc.).

d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

e) The Department shall explain to each AFDC applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

f) Whenever a family ceases to receive AFDC cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example e-g-r, filing fees) and distribution policies. (45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (1989)).

g) Whenever a family ceases to receive AFDC MANG assistance:

- 1) if the family previously received AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section; above; or
- 2) if the family did not previously receive AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section above.

(Source: Emergency amendment at 19 Ill. Reg. **15492**, effective October 30, 1995, for a maximum of 150 days)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations
EMERGENCY

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a) Definitions

- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given by certified mail, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Civil Practice Law ¶¶11-Rev--Stat--19917-ch-110-par-2-203-and 2-206 [735 ILCS 5/2-203 and 2-206].)
 - 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code ¶¶11-Rev--Stat-19917-ch-23-par-19-1-through-par-19-19 [305 ILCS 5/Art. 10];
 - B) The Illinois Marriage and Dissolution of Marriage Act ¶¶11-Rev--Stat-19917-ch-40-par-101-et-seq [750 ILCS 5];
 - C) The Non-Support of Spouse and Children Act ¶¶11-Rev--Stat-19917-ch-40-par-101-et-seq [750 ILCS 15];
 - D) The Revised Uniform Reciprocal Enforcement of Support Act ¶¶11-Rev--Stat-19917-ch-40-par-1201-et-seq [750 ILCS 201];
 - E) The Uniform Interstate Family Support Act [750 ILCS 22/100 et seq.];
 - F) ¶B The Illinois Parentage Act of 1984 ¶¶11-Rev--Stat--19917-ch-40-par-2501-et-seq [750 ILCS 45]; and
 - G) ¶ Any other statute in another state which provides for child support.
 - 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered, including for reimbursement of cash assistance furnished by the Department to the custodial parent and/or children prior to the determination of support.
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts including income information (for example e-g-r, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
 - 2) At least 5 working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;

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- 4) The deductions in subsections (c)(3)(H), (I) and (J) of this Section above shall be allowed only for the period that such payments are due. The Department shall enter administrative, or request the court to enter, support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 5) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- A) the financial resources and needs of the child;
 - B) the financial resources and needs of the custodial parent;
 - C) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - D) the physical and emotional condition of the child, and his educational needs; and
 - E) the financial resources and needs of the non-custodial parent.
- 6) Each order requiring support which deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 7) In cases where health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost. However, in Title IV-D non-AFDC cases where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 8) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.
- 9) In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of a court or administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided.

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- B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
- C) that the responsible relative has a legal obligation to support the named persons;
- D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
- E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.
- c) Determination of Financial Ability
- 1) The Department shall use the guidelines set forth below to determine the financial ability of responsible relatives to provide support in Title IV-D cases.
 - 2) The minimum amount of child support to be established shall be determined as follows:
- | Number of Children | Percent of Responsible Relative's Net Income |
|--------------------|--|
| 1 | 20% |
| 2 | 25% |
| 3 | 32% |
| 4 | 40% |
| 5 | 45% |
| 6 or more | 50% |
- 3) "Net Income" is the total of all income from all sources, minus the following deductions:
- A) Federal income tax (properly calculated withholding or estimated payments);
 - B) State income tax (properly calculated withholding or estimated payments);
 - C) Social Security (FICA payments);
 - D) Mandatory retirement contributions required by law or as a condition of employment;
 - E) Union dues;
 - F) Dependent and individual health/hospitalization insurance premiums;
 - G) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - H) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - I) Medical expenditures necessary to preserve life or health; and
 - J) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.

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10.18 The final order in all cases shall state the support level in dollar amounts.

11.19 If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance ~~APPE~~ in Illinois, the Department, when proceeding under subsection (d) below, shall order, or, when proceeding under subsection (e) below, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under ~~Section 9-6 of the Illinois Public Aid Code--(1117--Rev--Stat-1991-Chr-237-Par-9-6)-f305-1805-5/9-6~~.

12.10 The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:

A) of any new address of the responsible relative;

B) ~~A~~ of the name and address of any new employer or source of income of the responsible relative;

C) of any change in the responsible relative's Social Security Number;

D) ~~B~~ whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and

E) ~~A~~ if so, the policy name and number and the names of persons covered under the policy.

13.11 The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.

d) Administrative Process

1) Use of Administrative Process

A) Department FSS's shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- i) presumed paternity as set forth in Section 5 (a)(1), (2) and (3) of the Illinois Parentage Act ~~(1117-Rev-Stat-1991-Chr-407-Par-2505)-[705 ILCS 45/5(a)(1), (2) and (3)]~~ and support is sought from one or both parents; and
- ii) alleged paternity and support is sought from the

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iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both.

B) In addition to those items specified in subsection (b)(2) of this Section above, the notice of support obligation shall inform the responsible relative of the following:

- i) that the responsible relative may be required to pay retroactive support as well as current support, and that he may be liable for reimbursement of public assistance furnished the named persons prior to determination of the ability to support; and
- ii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.

2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section above when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of the administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the FSS shall order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided, as specified in subsection (c)(9) of this Section. In administrative process cases, the period prior to the entry of the administrative support order shall commence with the parties' separation, unless the child was born out of wedlock and paternity was determined under Section 160.61, in which case such period shall commence with the child's birth.

3) Failure to Appear

A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net

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income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(C) of this Section below. The terms of the order shall be based upon the needs of the persons for whom support is sought, as furnished by affidavit of the IV-D client. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.

B) The FSS may shall issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:

i) financial ability, as determined from the guidelines contained in subsection (c) above, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section above, or

ii) income exceeds that reported by the relative.

C) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section above, the FSS may shall enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section above, and may shall then seek establishment of support obligations through the judicial process pursuant to subsection (e) of this Section below.

4) Registration of Order of Another State

A) The FSS shall register a support order entered by a court or administrative body of any other state referred for establishment and enforcement of an Illinois support obligation, on behalf of persons receiving Title IV-D services from such state, upon receipt of the following:

i) a request that another state's support order be administratively registered to effect interstate income withholding;

ii) the referring state's IV-D case name and identification number;

iii) the names and birthdates of the persons for whom support is ordered;

iv) a certified copy of the support order with all modifications;

v) a certified copy of an order for withholding, if any, still in effect;

vi) a certified copy of the payment record or, if there is no payment record, an affidavit attesting to the amount of arrearage which has accrued under the support order;

vii) the name, address, and social security number of

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the responsible relative; and
viii) the name and address of the responsible relative's employer or any other source of income of the relative from which withholding may be effected, if known.

B) When registered such order shall become an administrative support order of the Department. The FSS shall enter a separate administrative support order of the Department which shall contain the terms of the registered order.

5) An administrative support order shall include the following:

A) the Title IV-D case name and identification number;
B) the names and birthdates of the persons for whom support is ordered;

C) the beginning date, amount and frequency of support;

D) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20% of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;

E) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20% of the support order) and frequency of payments to be made until the arrearage is paid in full;

F) the manner in which support payments are to be made; and
G) a statement informing the responsible relative that he has 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.

6) Upon entry of any administrative support order, the FSS shall enter a separate administrative order for withholding, based upon and in the same manner as prescribed in Section 160.75. The order shall inform the responsible relative of the grounds for a petition and the time within which to petition the Department to stay service of or to modify, suspend or terminate the order for withholding, or to stay service of the notice of delinquency and receive a hearing in accordance with 89 Ill. Adm. Code 104.104.

7) The FSS shall provide to each responsible relative a copy of each administrative order for support and for withholding entered by:

A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgement of receipt signed by the relative or an affidavit of delivery signed by the FSS shall be sufficient for purposes of notice.

B) certified mail where the relative fails or refuses to accept delivery or the orders are entered by default.

C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.

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- 8) The FSS shall provide to each Title IV-D client a copy of each administrative order for support and for withholding entered.

e) Judicial Process

- 1) Department FSS's shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see Section (a)(3) of this Section above) in matters requiring the determination of parentage (except when parentage is to be determined administratively under Section 160.61), in those wherein the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(C) of this Section above.

- 2) The FSS shall prepare the transmit pleadings and obtain or affix appropriate signature thereto which pleadings shall include, but not be limited to, petitions to:

- A) intervene;
- B) modify;
- C) change payment path;
- D) establish an order for support;
- E) establish retroactive support;
- F) establish past-due support;
- G) obtain an order for withholding;
- H) establish parentage;
- I) obtain a rule to show cause; and
- J) combinations of the above.

(Source: Emergency amendment at 19 Ill. Reg. **15492**, effective October 30, 1995, for a maximum of 150 days)

Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

a) Definitions

- 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another man from the same racial background.
- 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
- 3) "Service" or "Served" means notice given by personal service, certified mail, return receipt requested, or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)

b) Uncontested Administrative Paternity Process

- 1) Department FSS's shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

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- A) a non-marital child (for whom paternity has not been established) and support is sought from the alleged father;
- B) a non-marital child (for whom paternity has not been established) who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
- C) presumed paternity as set forth in Section 5(a)(1), (2) and (3) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1), (2) and (3)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.

2) Contact with Responsible Relatives

- A) Following the IV-D client interview, the Department shall contact and interview:
 - i) alleged fathers to establish paternity and support obligations; and
 - ii) mother to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.

- B) The purpose of contact and interview shall be to obtain relevant facts including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

- 3) At least five working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation by ordinary mail, to the alleged father from whom child support is sought, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child (for whom paternity has not been established);
 - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
 - E) that the alleged father should bring specified information regarding his income and resources to the interview;
 - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may

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be entered against him by default; and
 G) that the alleged father may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child.

4) At least five working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child (for whom paternity has not been established);
- C) that the mother has a legal obligation to support the child;
- D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
- E) that the mother should bring specified information regarding her income and resources to the interview;
- F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
- G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child.

5) At least five working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child (for whom paternity has not been established);
- C) that the mother has a legal obligation to support the child;
- D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
- E) that the mother should bring specified information regarding her income and resources to the interview;

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F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;

G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and

H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:

- i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
- ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.

6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5 of the Illinois Parentage Act of 1984 (750 ILCS 45/5), the FSS shall send a notice to the presumed father which shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the child's name and birthdate;
- C) the name of the child's mother;
- D) that the man to whom the notice is directed has been identified as the child's presumed father;
- E) that another man has been alleged to be the child's father, and the name of that alleged father;
- F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than 5 working days after the date of the notice to the presumed father);
- G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing; and
- H) that counsel may accompany the presumed father to the interview.

7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client must attend the interview.

8) In cases involving a non-marital child (for whom paternity has not been established):

- A) The FSS shall enter an administrative paternity order finding the alleged father to be the father of the child where:

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- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the implications of signing such an acknowledgment (for example, parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody and visitation);
- ii) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
- iii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
- iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
- vi) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
- vii) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, and the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being

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- provided with information concerning the legal implications of signing such an acknowledgment; or
- viii) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1.
- B) The FSS shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An acknowledgment of paternity or agreement to be bound by the results of genetic testing under subsection (b)(8) of this Section shall not be valid where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the acknowledgment of paternity or agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
- c) Contested Paternity and Support Establishment and Continued Eligibility Demonstration Program
- 1) The Department shall conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child (for whom paternity has not been established) who are applicants for or recipients of cash assistance under Articles IV, V, and VI of the Illinois Public Aid Code.
- 2) The demonstration program shall be implemented statewide but phased in beginning with the following counties: Cass, Champaign, Christian, DeWitt, Fulton, Logan, Macon, Macoupin, Mason, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Sangamon, Shelby, Tazewell and Woodford. McLean County shall be designated a control county with custodial parents randomly selected for participation in the demonstration program.
- 3) The demonstration program shall commence with the effective date of this Section, or upon receipt of any federal waivers necessary for implementation, whichever is later.
- 4) In those demonstration program cases in which the mother and alleged father (and any presumed father) voluntarily acknowledge paternity by affidavit in the form required by the Department, or agree to be bound by the results of genetic testing, or in which the alleged father has failed to respond to a notice of alleged paternity and support obligation, the Department shall administratively determine paternity and establish a support order in accordance with subsection (b) of this Section and Section 160.60, respectively.

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- 5) Demonstration program cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity and establish child support. The Department shall provide the alleged fathers (and any presumed fathers) with notice and opportunity to contest paternity at an administrative hearing, as well as inform the alleged father (and any presumed father) of his right to demand a judicial trial by jury. The notice and any hearing shall be governed by Sections 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60. The hearing officer's decision on paternity and support in contested cases shall be the Department's final administrative decision.
- 6) Notice shall be served on all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.
- 7) The Department shall enter default paternity determinations in demonstration program cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a party by publication under subsection (c)(6) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsection (d) of this Section, except that where notice was served by publication the notice of default paternity determination shall not include the mother's and father's Social Security numbers, and shall include a statement of the following in lieu of a statement that the order is a final and binding administrative decision:
- A) that the man determined to be the child's father may bring a petition in the circuit court for relief from the administrative paternity determination on the same grounds provided for relief from judicial judgments under Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401];
- B) that such a petition must be filed no later than two years after the notice of default paternity determination was

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- published; and
- C) that allegations made in such a petition without reasonable cause that are found to be untrue by the circuit court may subject the petitioner or his attorney, or both, to the payment of reasonable costs and attorney's fees incurred by the Department in defending against the petition.
- 8) In those cases in which the alleged father or presumed father has requested a trial by jury, the Department shall refer the case for judicial action to establish paternity and support in accordance with subsection (g) of this Section.
- 9) Under the demonstration program the custodial parent and non-marital child (for whom paternity has not been established) shall receive assistance for no longer than six full months unless:
- A) the paternity of the child is established before the beginning of or within the six month period;
- B) the custodial parent has fully cooperated with efforts to establish the child's paternity, but through no fault of the parent, paternity has not been established. Cooperation shall be determined in accordance with Section 160.62;
- C) the custodial parent begins to receive assistance while a court action to establish the child's paternity is pending and the parent continues to cooperate with the Department's efforts to establish paternity;
- D) the custodial parent has not yet given birth to the child; or
- E) the putative father of the child is incarcerated out of state and inaccessible to the process for establishing paternity.
- 10) The Department shall not proceed to establish paternity administratively under the demonstration program in those cases wherein the court has acquired jurisdiction previously, the alleged or presumed father has requested a trial by jury, or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in subsection (c)(9)(G) of this Section.
- 11) A custodial parent who receives cash assistance for himself or herself and/or the children in one of the demonstration program counties, including those custodial parents randomly selected in Mclean County, must cooperate with the Department in establishing the paternity of any non-marital child (for whom paternity has not been established) included in the cash assistance grant within the six month paternity establishment period that begins with:
- A) the month of receipt of the first regular roll month of benefits;
- B) the month that redetermination was made of their existing assistance; or

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- C) the month of receipt of the first regular roll month of benefits of inclusion in the assistance unit from the addition of a non-marital child to an existing assistance grant.
- 12) In all cases in the demonstration program, the six month paternity establishment period shall be abated for any of the following reasons:
- A) the custodial parent and non-marital child or children (for whom paternity has not been established) do not receive cash assistance benefits, unless they are not receiving cash assistance due to refusal or failure to cooperate in the paternity establishment process, as set forth in Section 160.62; or
 - B) the non-marital child or children (for whom paternity has not been established) reside with a caretaker relative who is not a custodial parent or alleged father.
- 13) In all cases where the six month paternity establishment period was abated for a reason set forth in subsection (c)(12) of this Section, the six month paternity establishment period shall resume as of the month such reason no longer exists.
- 14) In any case where the administrative paternity process has been initiated for the custodial parent and the non-marital child (for whom paternity has not been established), and the custodial parent and the non-marital child (for whom paternity has not been established) move outside the original demonstration program county, the paternity determination case shall remain in the original demonstration county unless a transfer to the county in which the non-custodial parent and the non-marital child (for whom paternity has not been established) reside is requested by the custodial parent, in writing, within ten days after the move outside the original demonstration county.
- d) An administrative paternity order, whether entered under subsection (b) or subsection (c) of this Section, shall include the following:
- 1) the Title IV-D case name and identification number;
 - 2) the name and birthdate of the child for whom paternity is determined;
 - 3) the alleged father's name and his Social Security number, if known;
 - 4) the mother's name and her Social Security number, if known;
 - 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, acknowledgment, agreement to be bound by the results of genetic testing, default, contested hearing);
 - 6) except in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that he has 30 days from the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for

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- release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105; and
- 7) in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. 3].
- e) When the paternity of a child has been administratively determined under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60, except in the demonstration program under subsection (c) of this Section when paternity is established by default (including default after publication of the notice of alleged paternity and support obligation), the Department shall order the paternity and support obligation, the Department shall order the responsible relative to pay child support of at least an amount equal to the child's or children's portion of the cash assistance grant. The responsible relative shall have the same appeal rights for review or modification of the support obligation amount as those set forth in Section 160.60.
- f) The Department shall notify the Department of Public Health of final administrative paternity determinations.
- g) The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:
- 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section;
 - 2) where the non-marital child (for whom paternity has not been established) was not conceived in Illinois and the alleged father resides in a state other than Illinois;
 - 3) where the court has acquired jurisdiction previously;
 - 4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section; or
 - 5) where the alleged or presumed father has requested a trial by jury in a contested case under subsection (c) of this Section, but only after genetic tests have been ordered and the results have been received in accordance with Section 104.213.

(Source: Emergency rule added at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days)

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Section 160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program

- a) Unless the Department determines there is good cause for refusing to cooperate, a custodial parent of a non-marital child (for whom paternity has not been established) in the paternity establishment and continued eligibility demonstration program under subsection (c) of Section 160.61 must cooperate in the Department's efforts to establish the paternity of any non-marital child (for whom paternity has not been established), as specified in Section 160.30.
- b) If the custodial parent and the alleged father are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A custodial parent or the alleged father who fails or refuses, without good cause (see Sections 160.35 through 160.45), to cooperate in the establishment of paternity (see subsection (h) of this Section) within the six month paternity establishment period shall have his or her financial and medical assistance discontinued until cooperation requirements have been met, as specified in Section 160.30.
- c) The non-marital child or children (for whom paternity has not been established) of a custodial parent shall be excluded from the cash assistance grant for monetary and medical benefits, as allowed by federal waiver, if the custodial parent, without good cause, fails or refuses to establish the paternity of the non-marital child or children (for whom paternity has not been established) within the six month paternity establishment period as specified in subsection (c)(11) of Section 160.61. However, where the child is pregnant, medical assistance will continue until at least 30 days after the birth of the child.
- d) A child who has been excluded from the cash assistance grant for monetary and medical benefits, as allowed by federal waiver, due to the custodial parent's failure or refusal to establish paternity within the six month paternity establishment period shall be authorized for assistance as of the date paternity has been established or as specified in subsection (g) of this Section.
- e) The sanction for failure or refusal to cooperate with the Department, as described in Section 160.30, shall be rescinded at any level of the appeal process up through and until the final agency decision and any lost benefits will be restored, if the custodial parent establishes a valid reason for his or her failure or refusal. This action does not extend the six month paternity establishment period.
- f) If a custodial parent, who is ineligible for financial and medical assistance because of a failure or refusal to cooperate, indicates that he or she is willing to cooperate, he or she will be given the opportunity to cooperate. Cooperation does not extend the six month paternity establishment period.
- g) A custodial parent who was sanctioned for any reason under this Section or failed to identify and locate the alleged father, and whose

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- failure or refusal to comply during the six month paternity establishment period was the cause of paternity not being established for the non-marital child by the end of the six month paternity establishment period, shall have his or her financial and medical assistance discontinued. However, where the custodial parent is pregnant, medical assistance will continue until at least 30 days after the birth of the child. Assistance may be restored for establishment of paternity for any non-marital child or children for whom paternity needs to be established.
- h) A sanction for failure or refusal to comply with the requirements of Section 160.30 shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the custodial parent establishes good cause for failure or refusal.
- i) A custodial parent of a child for whom paternity has not been established who was exempted from cooperation due to a claim of good cause may have that exemption extend the six month paternity establishment period if:
- 1) the custodial parent has furnished the Department with court, medical, criminal, child protection services, social services, psychological or law enforcement records that indicate the alleged father might inflict physical or emotional harm on the custodial parent and/or child;
 - 2) the custodial parent has furnished the Department with birth certificate or medical or law enforcement records that indicate the child was conceived as the result of incest (and the custodial parent attests to fear that the alleged father might inflict physical harm on the custodial parent and/or child) or forcible rape;
 - 3) the custodial parent has furnished the Department with court documents or other records which indicate that legal proceedings for adoption are pending in court; or
 - 4) the custodial parent has furnished the Department with court documents or other records that indicate the alleged father is incarcerated outside the State of Illinois and is inaccessible for paternity establishment.
- j) The failure to establish the paternity of a non-marital child during the six month paternity establishment period shall not be considered the fault of the custodial parent when the parent:
- 1) fully cooperated in a timely manner with all requests for information and for appearances at hearings and interviews; and
 - 2) did not have paternity established within the six month paternity establishment period due to delays attributable to the Department, such as continuances or failure to arrange genetic testing or make findings after the hearing or to serve the alleged father as provided by law.

(Source: Emergency rule added at 19 Ill. Reg. **15492**, effective

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October 30, 1995, for a maximum of 150 days)

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1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Emergency Action:

104.105 New Section

104.207 New Section

104.213 New Section

104.249 New Section

4) Statutory Authority: Sections 10-17.7 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-17.7 and 12-13] and Public Acts 88-687 and 89-6.

5) Effective Date of Amendments: October 30, 1995

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: October 30, 1995

8) Reason for Emergency: This rulemaking is necessary to comply with provisions of Public Act 88-687 and Public Act 89-6 which require the Department of Public Aid to develop a process for the administrative determination of paternity. Expediting paternity establishment will benefit clients, their children and taxpayers. This process should make paternity determinations easier and improve the Department's ability to collect child support payments. Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7], as amended by Public Act 89-6, specifically authorizes implementation of the administrative paternity determination process by emergency rulemaking.

9) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 88-687 and Public Act 89-6, these proposed amendments are necessary to establish the administrative process to determine paternity. The Department can use an administrative order to establish paternity and support obligations for a child born out of wedlock who receives cash or medical assistance. The administrative order does not require the caretaker relative or the noncustodial parent of a child born out of wedlock to appear in court to establish paternity or support obligations.

These proposed amendments establish the provisions for the conduct of hearings on petitions for release from administrative paternity orders, the notice of contested paternity hearings, the demand for judicial jury trial in contested paternity hearings and genetic testing in contested paternity hearings.

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section	
104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	
104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative
EMERGENCY	Paternity Orders

SUBPART C: MEDICAL VENDOR HEARINGS

Section	
104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.207	Notice of Contested Paternity Hearing

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

Companion amendments are also being proposed to 89 Ill. Adm. Code 160.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
104.208	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.210	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.221	Amendment	September 8, 1995 (19 Ill. Reg. 12604)
104.270	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.273	Amendment	July 14, 1995 (19 Ill. Reg. 9389)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY	
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to a State Licensing Agency and to Take Disciplinary Action
104.210	Right to Hearing
104.211	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212	Prior Factual Determinations
104.213	Demand for Judicial Jury Trial in Contested Paternity Hearings
EMERGENCY	
104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearing
104.221	Issues at Hearings
104.225	Legal Counsel
104.226	Appearance of Attorney or Other Representative
104.230	Notice, Service and Proof of Service
104.231	Form of Papers
104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.249	Genetic Testing in Contested Paternity Hearings
EMERGENCY	
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

	Authority
104.300	Definitions
104.302	Department Actions Against Nursing Homes Facilities
104.304	Certification
104.310	Joint Administrative Hearing
104.320	Facilities Certified Under Both Medicare and Medicaid
104.330	
	SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section	Incorporation by Reference
104.800	

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
EMERGENCY

Hearings on petitions for release from an administrative paternity order entered under subsection (b) of Section 160.61 shall be governed by Section 104.102, except that subsections (a) and (c) shall not apply, and the hearing shall consider only the issue of whether the Department's policies and procedures were followed in entering the administrative paternity order.

(Source: Emergency rule added at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days)

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.207 Notice of Contested Paternity Hearing
EMERGENCY

a) In a matter referred to a Department Hearing Officer pursuant to Section 160.61(c)(5) for a contested paternity hearing, the Department shall notify the alleged father of the hearing in writing, setting forth:

- 1) the time, place and nature of the hearing;
 - 2) the legal authority and jurisdiction under which the hearing is to be held;
 - 3) a reference to the particular Sections of the substantive and procedural statutes and rules involved;
 - 4) the consequences of the failure to appear at the hearing;
 - 5) the Title IV-D case name and identification number, the names and birthdates of the children he is alleged to have fathered and the name of the mother; and
 - 6) that the alleged father has the right to demand a judicial trial by jury and that this demand must be made no later than 28 days after receipt of the notice provided pursuant to this Section.
- b) No request for a hearing or other pleading need be filed in response to the notice.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency rule added at 19 Ill. Reg. 15521 effective October 30, 1995, for a maximum of 150 days)

Section 104.213 Demand for Judicial Jury Trial in Contested Paternity Hearings
EMERGENCY

a) A respondent in a contested paternity hearing may file a demand in writing for a judicial jury trial. This demand must be filed no later than 28 days after receipt of the notice served pursuant to Section 104.207.

b) In hearings in which such a demand is filed, the Department shall retain jurisdiction over the respondent until genetic tests are ordered pursuant to Section 104.249 and the results have been received. The Department will refer for judicial action in Circuit Court any matter in which a demand for judicial jury trial has been timely filed.

(Source: Emergency rule added at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days)

Section 104.249 Genetic Testing in Contested Paternity Hearings
EMERGENCY

a) In contested paternity hearings, the provisions of Section 11 of the Illinois Parentage Act of 1984 [750 ILCS 45/11] shall govern the ordering of genetic testing, the admissibility of test results, presumptions based on the results and all other issues relating to genetic testing. References in Section 11 to "the court" shall be deemed to mean the Department Hearing Officer.

b) Regardless of whether a demand for a judicial trial has been filed under Section 104.213, if a respondent fails to comply with an order to submit to genetic testing, an administrative order establishing paternity may be entered against him.

(Source: Emergency rule added at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING

- 1) Heading of the Part: Hotel Operators' Occupation Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 480
- 3) Register Citation to Notice of Proposed Rulemaking: 19 Ill. Reg. 13828, October 6, 1995
- 4) Date, Time and Location of Public Hearing:

November 28, 1995
9:30 A.M. to Noon
Willard Ice Building
Media Room
101 West Jefferson
Springfield, Illinois

5) Other Pertinent Information:

The Department is scheduling this public hearing on its rulemaking that specifies that separately stated charges for in-room movie services are subject to the Hotel Operators' Occupation Tax. The rulemaking also specifies other charges which are not subject to the tax, and amends the definition of "permanent resident." These proposed rules appeared in the October 6, 1995 edition of the *Illinois Register* (19 Ill. Reg. 13828).

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to ten minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
4. All testimony shall conclude at the specified time except that an individual presenting testimony at that time shall be allowed to complete the presentation.
6. Name and Address of Agency Contact Person: Questions regarding the public hearing or the proposed amendments may be directed to:

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING

Jerilynn T. Gorden
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1995. Private Letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications
Bond Premium Amortization
Dividends
Interest
Net Operating Loss
Zero Coupon Bonds
Other Rulings (Not Included Above)
Administrative Review
Allocation (For Alternative Apportionment Rulings, See that heading)
Alternative Apportionment
Amnesty
Apportionment
Financial Organizations
Insurance Companies
Payroll Factor
Property Factor
Sales Factor

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Transportation Services
Other Rulings (Not Included Above)

Assessment

Bankruptcy

Base Income (Also See Addition Modifications, Fringe Benefits,

Subtraction Modifications)

Books and Records

Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)

Business Income

Capital Gains (Losses) (Also See Subtraction Modifications - Valuation Limitation)

Check Off Funds

Circuit Breaker

Claims for Refund: See Refunds

Collection

Combined Unitary Return (Also See Unitary)

Commercial Domicile

Compensation

Composite Returns

Confidentiality

Credits

Coal Research and Utilization

Credit for Replacement Tax Paid

Credit for Residential Real Property Taxes

Enterprise Zone Investment

Foreign Tax

High Impact Business Investment

Jobs Tax

Replacement Tax Investment

Research and Development

Training Expense

Other Rulings (Not Included Above)

Deficiencies

Definitions

Domestic International Sales Corporations (DISCs)

Elections: See Combined Unitary Return, Extensions, Unitary

Enterprise Zones (Also See Credits, Subtraction Modifications)

Erroneous Refund: See Refunds

Estates

Estimated Tax

Exempt Organizations

Exemptions

Extensions

Failure to File: See Penalties

Failure to Pay: See Penalties

Farmers: See Estimated Tax

Federal Returns

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Fiduciaries
Financial Organizations: See Apportionment
Foreclosure
Foreign Sales Corporations (FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax Forms
Fraud: See Penalties
Fringe Benefits
IRC Section 125 "Cafeteria" Plans
IRC Section 401(k) Plans
Other Rulings (Not Included Above)
Gain (Loss): See Capital Gains (Losses), Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income (Also See Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC Section 338
Jeopardy: See Assessment
Judicial Review
Liens
Limited Liability Companies
Lottery
Military (Also See Subtraction Modifications)
Miscellaneous
Modification Addition: See Addition Modifications
Modification Subtraction: See Subtraction Modifications
Mutual Funds: See Subtraction Modifications
Net Income (Loss) and Net Loss Deduction (IITA Section 207) (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
Net Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction
Nexus: See Public Law 89-272/Nexus
Nonbusiness Income
Nonresidents: See Residency/Nonresidency
Notice and Demand: See Notices
Notices
Nuclear Decommissioning Trusts
Overpayments: See Refunds
Partnerships
Payments
Payroll Factor: See Apportionment
Penalties
Failure to File (IITA Section 1001)
Failure to File Withholding Returns (IITA Section 1004)
Failure to Pay (IITA Section 1002)
Failure to Pay Estimated Tax (IITA Section 804)

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NOTICE OF PUBLIC INFORMATION

Fraud (IITA Section 1002)
Reasonable Cause (IITA Section 1001)
Underpayment of Tax (IITA Section 1005)
Other Rulings (Not Included Above)
Pensions (Also See Subtraction Modifications)
Political Organizations
Professional Athletes
Property Factor: See Apportionment
Property Tax: See Subtraction Modifications
Protest
Public Law 86-272/Nexus
Rate of Tax
Real Estate Investment Trusts
Reasonable Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute of Limitations
Other Rulings (Not Included Above)
Regulated Investment Companies
Replacement Tax (Also See Credits)
Requirements of Requests for General Information Letters
Requirements of Requests for Private Letter Rulings
Residency/Nonresidency
Returns (For Combined Unitary Return and Composite Return rulings, see those headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings (Not Included Above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Apportionment
Signature
Specific Accounting
Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
Subchapter 'S' Corporations: See S Corporations
Subpart F Income: See Subtraction Modifications
Subtraction Modifications
Bond Premium Amortization
Enterprise and Foreign Trade Zones
Illinois Tax Refund
Interest on U.S. Government Obligations
Military
Money Market Mutual Funds
Qualified Pension Plans

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Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings (Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
 Transportation Services: See Apportionment
 Trusts
 Uniform Penalty and Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See Subtraction Modifications
 Valuation Limitation: See Subtraction Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assessment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (IITA Section 1405.2)
 Reciprocal Agreements
 Other Rulings (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, and 1994, are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, IL 62794
 (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1995 SECOND QUARTER SUNSHINE INDEX
 APPORTIONMENT - TRANSPORTATION SERVICES

IT 95-0145 *General Information Letter:* 09/26/1995 Section 304(d) of the Illinois Income Tax Act provides a special apportionment formula for business income derived from furnishing transportation services. Specifically, Section 304(d) of the Act provides that business income derived from transportation services, other than that derived from transportation by pipeline, shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the company in this State, and the denominator of which is the revenue miles of the company everywhere.

BASE INCOME

Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 95-0121 *General Information Letter:* 07/31/1995 For Illinois income tax purposes, an individual taxpayer is required to begin with federal adjusted gross income and apply certain statutory addition and subtraction modifications to arrive at Illinois base income.

IT 95-0137 *General Information Letter:* 09/05/1995 Section 203(a) of the Illinois Income Tax Act provides that an individual's base income for Illinois income tax purposes is an amount equal to the taxpayer's federal adjusted gross income subject to certain addition and subtraction modifications listed in Section 203(a)(2). Section 203(a)(2) does not provide a subtraction modification for interest expense.

CIRCUIT BREAKER

IT 95-0107 *General Information Letter:* 07/11/1995 The Circuit Breaker law limits the amount of the grant in certain circumstances. Aid to the Aged Blind and Disabled benefits paid by the Department of Public Aid constitutes cash assistance for the actual cost of rent under Section 25/4(c) of the Circuit Breaker law.

COMBINED UNITARY RETURNS

IT 95-0138 *General Information Letter:* 09/13/1995 For tax years ending on or after December 31, 1993, taxpayers who are corporations, other than S corporations, and that are members of the same unitary business group are required to file a single combined return (See IITA Section 502(e), copy enclosed).

COMPENSATION

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

IT 95-0127 *General Information Letter*: 08/07/1995 Response to a survey concerning Illinois taxation of non-qualified deferred compensation plans.

IT 95-0131 *General Information Letter*: 08/22/1995 Section 302 of the Illinois Income Tax Act sets forth the circumstances in which compensation paid to nonresidents is allocated to this State.

CONFIDENTIALITY

IT 95-0113 *General Information Letter*: 07/18/1995 IITA Section 917(b) provides that nothing prevents the Director from publishing or making available to the public names and addresses of persons filing returns under the Illinois Income Tax Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

CREDITS - ENTERPRISE ZONE INVESTMENT

IT 95-0133 *General Information Letter*: 08/23/1995 Section 100.2110(e)(5)(B) of the Department's rules provides that property that would otherwise qualify for the Enterprise Zone Investment Credit will not be disqualified because it was previously used in Illinois in such a manner that could have qualified for the credit, if that use pre-dated the effective date of the law that established the credit (P.A. 82-1019, Section 13, effective December 7, 1982).

CREDITS - TRAINING EXPENSE

IT 95-0139 *General Information Letter*: 09/18/1995 Section 100.2150(d)(3) requires that documentation maintained by the taxpayer must be sufficient to demonstrate that the training for which the credit is claimed is on behalf of eligible employees, the training qualifies for the credit under the standards of subsection (b) of the rules and the expenditures are eligible training expenditures.

EXEMPT ORGANIZATIONS

IT 95-0119 *General Information Letter*: 07/31/1995 Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business income as determined under Section 512 of the Internal Revenue Code.

IT 95-0134 *General Information Letter*: 08/28/1995 Pursuant to Section 205(a)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

of the Illinois Income Tax Act, an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.

FINANCIAL ORGANIZATIONS

IT 95-0117 *Private Letter Ruling*: 07/24/1995 Based upon the information provided in the ruling request, the Department rules that after the transaction described in the ruling request, the taxpayer will not be classified as a financial organization. The ruling was based solely upon the information contained in the ruling request. If in the course of an audit the Department's auditors determine that there are additional facts that would lead to a contrary conclusion, the Department's auditors will have the ability to reach that contrary conclusion in the course of an audit.

FRINGE BENEFITS - IRC SECTION 125 CAFETERIA PLANS

IT 95-0115 *General Information Letter*: 07/20/1995 Response to a survey.

INFORMATION REPORTS

IT 95-0108 *General Information Letter*: 07/11/1995 Illinois does not require reporting on information returns except with respect to rents, royalties, personal service contracts and prizes and awards.

LIENS

IT 95-0132 *General Information Letter*: 08/22/1995 According to Section 1101 of the Illinois Income Tax Act, if any person liable to pay any tax neglects or refuses to pay the same after demand, the amount including interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto shall be a lien in favor of the State of Illinois upon all property and rights to property, whether real or personal, belonging to such person.

MISCELLANEOUS

IT 95-0110 *General Information Letter*: 07/17/1995 Response to a tax protestor's arguments that he is not subject to Illinois income taxation.

PUBLIC LAW 86-272/NEXUS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

IT 95-0112 *General Information Letter:* 07/17/1995 General discussion of nexus principles.

IT 95-0126 *General Information Letter:* 08/07/1995 Activities of an employee of a manufacturer's representative in Illinois created nexus with Illinois for the manufacturer's representative. Note: This general information letter does not address the issue of nexus of the clients of the manufacturer's representative. Public Law 86-272 addresses the issue of the clients of a manufacturer's representative.

IT 95-0136 *General Information Letter:* 08/29/1995 General discussion of income tax nexus principles.

REAL ESTATE INVESTMENT TRUSTS

IT 95-0122 *General Information Letter:* 08/02/1995 Section 203(e)(2)(D) of the Illinois Income Tax Act provides that the Illinois tax base of a Real Estate Investment Trust (REIT) starts with REIT taxable income as defined by Section 857 of the IRC. This is the REIT taxable income from Line 22 of federal form 1120-REIT which is net of the dividends paid deduction. Section 203(b)(1) of the ITA provides that base income means "an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph 2." IITA Section 203(b)(2)(C) provides that taxable income shall be modified by addition "in the case of a regulated investment company or REIT, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over the (ii) the amount of capital gain dividends attributable to the taxable year."

REFUNDS - STATUTE OF LIMITATIONS

IT 95-0106 *General Information Letter:* 07/11/1995 Section 911(a)(1) sets forth the limitations period for claims for refund.

IT 95-0129 *General Information Letter:* 08/10/1995 Section 911(a) of the Illinois Income Tax Act provides that "a claim for refund shall be filed no later than 3 years after the return was filed ..., or one year after the date the tax was paid whichever is later ...".

RESIDENCY/NONRESIDENCY

IT 95-0116 *General Information Letter:* 07/22/1995 IITA Section 1501(a)(20) provides that the term resident is defined to mean "an individual who is in Illinois for other than a temporary or transitory purpose during the taxable year or who is domiciled in Illinois but is absent from Illinois for a temporary or transitory purpose

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during the taxable year."

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 95-0125 *General Information Letter:* 08/07/1995 The Department declined to issue a private letter ruling because, at the time the request for private ruling was made, the issue with respect to which the taxpayer sought the ruling was at issue in an administrative hearing to which the taxpayer was a party.

S CORPORATIONS

IT 95-0120 *General Information Letter:* 07/13/1995 This state recognizes the Subchapter S election made at the federal level. No separate election is required by the State of Illinois.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 95-0128 *Private Letter Ruling:* 08/07/1995 The Department declined to rule that the taxpayer qualifies for the Enterprise Zone dividend subtraction.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 95-0123 *General Information Letter:* 08/02/1995 Response to an annual survey concerning personal income taxation on amounts paid from private retirement plans.

IT 95-0141 *General Information Letter:* 09/21/1995 Section 203(a)(2)(F) of the Illinois Income Tax Act allows a subtraction modification for military retirement pay to the extent that it is includable in federal adjusted gross income, because it is a distribution from a retirement plan for employees of a governmental unit.

IT 95-0142 *General Information Letter:* 09/21/1995 Military retired pay and military disability pay is not subject to Illinois income taxation. If any military retired pay or military disability retired pay is included in federal adjusted gross income it can be subtracted on the Illinois return per Section 203(a)(2)(F) of the Illinois Income Tax Act. If any military retired pay or military disability retired pay is not included in federal adjusted gross income, it would not be subject to Illinois income taxation because the starting point in determining base income for purposes of determining liability for the Illinois income tax begins with federal adjusted gross income. There is no requirement that such pay be added back on the Illinois return.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

DEPARTMENT OF REVENUE

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IT 95-0114 *General Information Letter* 07/18/1995 The Department has taken the position that IRC 457 deferred compensation plans are government retirement plans. Distributions from such plans are an allowable subtraction modification under IITA Section 203(a)(2)(F).

IT 95-0130 *General Information Letter*: 08/22/1995 General discussion of the scope of a subtraction modification authorized by the Illinois Income Tax Act.

TRUSTS

IT 95-0109 *General Information Letter*: 07/14/1995 For Illinois income tax purposes, a trust is a resident trust if it was either created by a will of a decedent who at his or her death was domiciled in this State, or it became irrevocable while the grantor was domiciled in Illinois and the grantor is not treated as the owner under Sections 671 through 678 of the Internal Revenue Code (See IITA Section 1501(a)(20)).

WITHHOLDING - EXEMPTIONS

IT 95-0111 *General Information Letter*: 07/17/1995 In determining whether a person is an employee or an independent contractor, an independent contractor for federal income tax purposes would also be an independent contractor for Illinois income tax purposes.

IT 95-0118 *General Information Letter*: 07/31/1995 Section 100.7000(a) of the Department's rules provides that Illinois income tax is not required to be withheld on any compensation paid in this State of a character which is not subject to federal income tax withholding (whether or not such compensation is subject to federal taxes other than income tax, e.g., F.I.C.A. (Social Security)).

WITHHOLDING - RECIPROCAL AGREEMENTS

IT 95-0140 *General Information Letter*: 09/20/1995 Section 302(b) of the Illinois income Tax Act provides that the Department "may enter into an agreement with the taxing authorities of any state which imposes a tax on or measured by income to provide that compensation paid in such state to residents of this State shall be exempt from such tax; in such case, any compensation paid in this State to residents of such state shall not be allocated to this State."

WITHHOLDING - OTHER RULINGS

IT 95-0124 *General Information Letter*: 08/04/1995 To the extent that Employee Stock Ownership Plan distributions are qualified retirement

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

distributions, such distributions are not subject to Illinois income taxation and no Illinois income tax withholding would be required.

IT 95-0135 *General Information Letter*: 08/28/1995 Section 701 of the Illinois Income Tax Act requires Illinois income tax withholding, in general, by every employer maintaining an office or transacting business within this State and required under the provisions of the Internal Revenue Code to withhold a tax on compensation paid in this State.

IT 95-0143 *General Information Letter*: 09/21/1995 Section 100.7070 of the Illinois Administrative Code addresses the issue of voluntary withholding by providing that any individual receiving periodic payments may enter into an agreement with the payor to provide for withholding of Illinois income tax on such payments. An agreement under this Section between the payor and the individual shall be in writing and shall be governed by the provisions of paragraph (b) of Section 100.7060.

IT 95-0144 *General Information Letter*: 09/22/1995 Amounts included in an individual's federal adjusted gross income as distributions from a retirement plan that is not tax-qualified under the Internal Revenue Code are subject to Illinois income taxation.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
NOVEMBER 14, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAging

1. Community Care Program (89 Ill Adm Code 240)
-First Notice Published: 19 Ill Reg 1363 - 2/17/95
-Expiration of Second Notice Period: 11/29/95

2. Community Care Program (89 Ill Adm Code 240)
-First Notice Published: 19 Ill Reg 9362 - 7/14/95
-Expiration of Second Notice Period: 11/29/95

Central Management Services

3. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 19 Ill Reg 11707 - 8/18/95
-Expiration of Second Notice Period: 11/17/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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4. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 19 Ill Reg 12365 - 9/1/95
-Expiration of Second Notice Period: 12/6/95

Children and Family Services

5. Confidentiality of Personal Information of Persons Served by the Department (89 Ill Adm Code 431)
-First Notice Published: 19 Ill Reg 11213 - 8/4/95
-Expiration of Second Notice Period: 12/1/95

Commerce Commission

6. Waiver of Filing and Approval of Certain Sales, Leases and Mortgages (General Order 175) (83 Ill Adm Code 105)
-First Notice Published: 18 Ill Reg 17801 - 12/16/94
-Expiration of Second Notice Period: 11/24/95

7. Telecommunications Access for the Hearing and Voice Impaired (83 Ill Adm Code 755)
-First Notice Published: 19 Ill Reg 10888 - 7/28/95
-Expiration of Second Notice Period: 11/29/95

Education

8. Certification (23 Ill Adm Code 25)
-First Notice Published: 19 Ill Reg 7098 - 5/26/95
-Expiration of Second Notice Period: 11/16/95

9. Electronic Transfer of Funds (23 Ill Adm Code 155)
-First Notice Published: 19 Ill Reg 8866 - 7/7/95
-Expiration of Second Notice Period: 11/15/95

10. Block Grant for School Improvement (23 Ill Adm Code 160)
-First Notice Published: 19 Ill Reg 7485 - 6/9/95
-Expiration of Second Notice Period: 12/2/95

11. Pupil Transportation (23 Ill Adm Code 275)
-First Notice Published: 19 Ill Reg 8872 - 7/7/95
-Expiration of Second Notice Period: 11/15/95

12. Repeal of Educational Service Centers (23 Ill Adm Code 500)
-First Notice Published: 19 Ill Reg 6415 - 5/12/95
-Expiration of Second Notice Period: 11/15/95

Health Care Cost Containment Council

13. Data Collection (77 Ill Adm Code 2510)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- First Notice Published: 19 Ill Reg 10927 - 7/28/95
- Expiration of Second Notice Period: 11/26/95

Insurance

14. Minimum Standards of Individual Accident and Health Insurance (50 Ill Adm Code 2007)
- First Notice Published: 19 Ill Reg 8886 - 7/7/95
 - Expiration of Second Notice Period: 11/16/95

Natural Resources

15. Rental of Boats and Boating Facilities (17 Ill Adm Code 210)
- First Notice Published: 19 Ill Reg 11725 - 8/18/95
 - Expiration of Second Notice Period: 12/6/95

Mental Health and Developmental Disabilities

16. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)
- First Notice Published: 19 Ill Reg 8920 - 7/1/95
 - Expiration of Second Notice Period: 11/14/95

Nuclear Safety

17. Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill Adm Code 350)
- First Notice Published: 19 Ill Reg 10966 - 7/28/95
 - Expiration of Second Notice Period: 11/19/95

Professional Regulation

18. Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)
- First Notice Published: 19 Ill Reg 1180 - 2/10/95
 - Expiration of Second Notice Period: 11/17/95

19. Illinois Professional Land Surveyor Act (68 Ill Adm Code 1270)
- First Notice Published: 19 Ill Reg 1185 - 2/10/95
 - Expiration of Second Notice Period: 11/17/95

20. The Professional Engineering Practice Act of 1989 (68 Ill Adm Code 1380)
- First Notice Published: 19 Ill Reg 1190 - 2/10/95
 - Expiration of Second Notice Period: 11/17/95

21. The Structural Engineering Licensing Act of 1989 (68 Ill Adm Code 1480)
- First Notice Published: 19 Ill Reg 1195 - 2/10/95
 - Expiration of Second Notice Period: 11/17/95

Public Aid

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

22. Medical Assistance Programs (89 Ill Adm Code 120)
- First Notice Published: 19 Ill Reg 8512 - 6/30/95
 - Expiration of Second Notice Period: 11/23/95

23. Crisis Assistance (89 Ill Adm Code 116)
- First Notice Published: 19 Ill Reg 11312 - 8/4/95
 - Expiration of Second Notice Period: 12/10/95

24. Medical Payment (89 Ill Adm Code 140)
- First Notice Published: 19 Ill Reg 8938 - 7/7/95
 - Expiration of Second Notice Period: 12/1/95

25. Hospital Services (89 Ill Adm Code 148)
- First Notice Published: 19 Ill Reg 10387 - 7/21/95
 - Expiration of Second Notice Period: 12/8/95

26. Hospital Reimbursement Changes (89 Ill Adm Code 152)
- First Notice Published: 19 Ill Reg 9380 - 7/14/95
 - Expiration of Second Notice Period: 12/6/95

27. Long Term Care Reimbursement Changes (89 Ill Adm Code 153)
- First Notice Published: 19 Ill Reg 9383 - 7/14/95
 - Expiration of Second Notice Period: 12/6/95

Revenue

28. Practice and Procedure for Hearings Before the Illinois Department of Revenue (86 Ill Adm Code 200)
- First Notice Published: 19 Ill Reg 7143 - 5/26/95
 - Expiration of Second Notice Period: 12/6/95

29. Motor Fuel Tax (86 Ill Adm Code 500)
- First Notice Published: 19 Ill Reg 8566 - 6/30/95
 - Expiration of Second Notice Period: 12/1/95

Savings and Residential Finance

30. Real Estate License Act of 1983 (68 Ill Adm Code 1450)
- First Notice Published: 19 Ill Reg 11770 - 8/18/95
 - Expiration of Second Notice Period: 11/26/95

31. Real Estate Appraiser Certification (68 Ill Adm Code 1455)
- First Notice Published: 19 Ill Reg 12431 - 9/1/95
 - Expiration of Second Notice Period: 12/6/95

Secretary of State

32. Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

- First Notice Published: 19 Ill Reg 12610 - 9/8/95
- Expiration of Second Notice Period: 12/6/95

EMERGENCY RULEMAKINGSAging

33. Community Care Program (89 Ill Adm Code 240) (Emergency)
-Notice Published: 19 Ill Reg 12693 - 9/8/95

Agriculture

34. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 19 Ill Reg 14896 - 10/20/95

Central Management Services

35. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 19 Ill Reg 13979 - 10/6/95
36. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 19 Ill Reg 15103 - 10/27/95

Health Care Cost Containment Council

37. Data Collection (77 Ill Adm Code 2510) (Emergency)
-Notice Published: 19 Ill Reg 15907 - 10/27/95

Health Facilities Planning Board

38. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110) (Emergency)
-Notice Published: 19 Ill Reg 15273 - 11/3/95

Public Aid

39. Aid to Families with Dependent Children (89 Ill Adm Code 112) (Emergency)
-Notice Published: 19 Ill Reg 15244 - 11/3/95
40. Related Program Provisions (89 Ill Adm Code 117) (Emergency)
-Notice Published: 19 Ill Reg 15267 - 11/3/95
41. Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 19 Ill Reg 14833 - 10/20/95
42. Demonstration Programs (89 Ill Adm Code 170) (Emergency)
-Notice Published: 19 Ill Reg 15256 - 11/3/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Public Health

43. Voter Registration for WIC Applicants and Participants (77 Ill Adm Code 670) (Emergency)
-Notice Published: 19 Ill Reg 14891 - 10/20/95

AGENCY RESPONSEPublic Aid

44. Medical Assistance Programs (89 Ill Adm Code 120) (Emergency)
-First Published: 7/7/95
-Recommendation Date: 7/25/95
-Response: Modification

Public Health/Health Facilities Planning Board

45. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110) (Emergency)
-First Published: 6/16/95
-Recommendation Date: 7/25/95
-Response: Agreement

Racing Board

46. Procedures for License Hearings (11 Ill Adm Code 205) (Emergency)
-First Published: 6/16/95
-Recommendation Date: 7/25/95
-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 24, 1995 through October 30, 1995 and have been scheduled for review by the Committee at its November 14, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/26/95	Illinois Health Care Cost Containment Council, Data Collection (77 Ill Adm Code 2510)	7/28/95 19 Ill Reg 10927	11/14/95
12/8/95	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	7/21/95 19 Ill Reg 10387	11/14/95
12/10/95	Department of Public Aid, Crisis Assistance (89 Ill Adm Code 116)	8/4/95 19 Ill Reg 11312	11/14/95

PROCLAMATIONS

95-488
RUTH ROTHSTEIN DAY

Whereas, the Motorola Excellence in Public Service Award honors an individual in public service in the State of Illinois whose vision, effectiveness, leadership, determination and devotion exemplifies excellence in the public sector; and

Whereas, this award is sponsored by the Motorola Cellular Subscriber Group and presented by the North Business and Industrial Council; and

Whereas, Ruth Rothstein, chief of the Cook County Bureau of Health Services and director of Cook County Hospital, has been named the 1995 recipient, selected from many qualified candidates; and

Whereas, Rothstein has proven herself an effective leader at Cook County Hospital since her arrival in 1990, restoring its accreditation, improving staff morale, and streamlining services; and

Whereas, she has also established new affiliations and partnerships with first-rate health care providers in the area, including a proposal to build an AIDS research and treatment center on the west side of Chicago and to revamp the county's health care system to include neighborhood clinics;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11, 1995, as RUTH ROTHSTEIN DAY in Illinois in honor of her leadership and accomplishments.

Issued by the Governor October 5, 1995.
Filed by the Secretary of State October 19, 1995.

95-489
LAKE COUNTY COUNCIL OF THE NAVY LEAGUE DAY

Whereas, the Lake County Council of the Navy League of the United States was chartered on May 23, 1955, and is celebrating its 40th anniversary; and

Whereas, the council became the first council in the United States to actively support President Eisenhower's "People to People Program" in 1956; and

Whereas, in 1959, the council was the first to form a Naval Sea Cadet program which became the national prototype; and

Whereas, the council was the first in the Ninth Naval District to be selected nationally as the Outstanding Council of the Year in 1971 and continued to win this accolade 12 times in the succeeding 16 years; and

Whereas, the council established an annual Educator's Conference bringing high school superintendents and guidance counselors together with Navy recruiters to promote naval recruiting; and

Whereas, council members assisted retiring naval personnel in finding employment in support of the Navy League's Highline Program; and

Whereas, the council provides annual awards to Junior Naval ROTC units, to Great Lakes "Sailor of the Quarter", "Sailor of the Year", command sailor, petty officer, and junior officer awards; and

Whereas, the council adopted Naval Training Center, Great Lakes, in support of the base, doing for the Navy what it cannot do for itself; and

Whereas, council members organized Great Lakes VOICE to successfully help save Naval Training Center from base closure; and

Whereas, the Lake County Council of the Navy League of the United States

has a great record of accomplishments for the past 40 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1995, as LAKE COUNTY COUNCIL OF THE NAVY LEAGUE DAY in Illinois.

Issued by the Governor October 11, 1995.

Filed by the Secretary of State October 19, 1995.

95-490

DEAF AWARENESS DAY

Whereas, Deaf Awareness Day recognizes people who are deaf or hard of hearing as individuals with talents, skills, culture, and ambition; and Whereas, there are more than 70,000 citizens within the State of Illinois who are deaf or hard of hearing; and

Whereas, the state's citizens should be made aware of the different types of hearing loss, the types of services available to people who are deaf or hard of hearing, and the variety of assistive devices and equipment available to facilitate communication; and

Whereas, Deaf Awareness Week is celebrated annually across the nation September 24-30, in honor of the Gallaudet University student protest in 1988 resulting from the selection of a hearing candidate over a deaf candidate as university president;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 19, 1995, as DEAF AWARENESS DAY in Illinois.

Issued by the Governor September 18, 1995.

Filed by the Secretary of State October 26, 1995.

95-491

GERMAN-AMERICAN DAY

Whereas, on October 6, 1683, the first Germans arrived in the United States; and

Whereas, the sons and daughters of Germany have contributed to the State of Illinois in all areas including science, business, medicine, education, government and the arts; and

Whereas, German-Americans continue to add substantially to the growth and welfare of Illinois and across the United States; and

Whereas, in commemoration of their arrival to the United States, the United German-American Societies of Greater Chicago will celebrate the 75th anniversary of German-American Day; and

Whereas, German-American Day ties the struggles and victories of past German-Americans as well as present and future accomplishments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6, 1995, as GERMAN-AMERICAN DAY in Illinois.

Issued by the Governor October 2, 1995.

Filed by the Secretary of State October 26, 1995.

95-492

HISPANIC/LATINO MENTAL HEALTH WEEK

Whereas, more than 40 million Americans of all ages, races, and ethnic backgrounds suffer from mental health problems; and Whereas, mental illness is often perceived as a social stigma in the

Hispanic/Latino community and it is of the utmost importance to increase public awareness and understanding of mental wellness; and

Whereas, Hispanic/Latino people often struggle to overcome language and other barriers placed before them; and

Whereas, the Latino Family Institute is working with the Department of Mental Health and Developmental Disabilities, the Chicago Department of Public Health, Saint Mary of Nazareth Hospital, St. Anthony Hospital, and other agencies and hospitals to provide depression and anxiety screenings, lectures, consumer information, and symposiums;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6-13, 1995, as HISPANIC/LATINO MENTAL HEALTH WEEK in Illinois to increase mental health wellness for all cultures.

Issued by the Governor October 2, 1995.

Filed by the Secretary of State October 26, 1995.

95-493

FUTURES AND OPTIONS WEEK

Whereas, Chicago is the world financial center for futures and options trading; and

Whereas, financial futures and options, pioneered in Chicago, provide valuable risk management and asset allocation opportunities to pension fund and investment advisers, portfolio managers, corporate treasurers and commercial banks the world over; and

Whereas, the world looks to Chicago's futures exchanges as a model in the development of financial markets from Asia to South America; and

Whereas, Chicago's exchanges attract investment capital to Illinois from the world's largest financial institutions and investment houses, generating several hundred trillion dollars worth of trades annually; and

Whereas, the Futures Industry Association will hold its 11th annual exposition, "Futures and Options Expo '95," in Chicago during the week of October 15, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15-21, 1995, as FUTURES AND OPTIONS WEEK in Illinois.

Issued by the Governor October 3, 1995.

Filed by the Secretary of State October 26, 1995.

95-494

RADIOLOGIC TECHNOLOGISTS WEEK

Whereas, expanding health services and advancing knowledge are creating an ever-increasing demand for the services of qualified radiologic technologists; and

Whereas, radiologic technologists are concerned with the conservation of life and health and the prevention of disease; and

Whereas, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

Whereas, the Illinois State Society of Radiologic Technologists is holding its 60th annual state conference October 4-7;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-7, 1995, as RADIOLOGIC TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor October 3, 1995.

Filed by the Secretary of State October 26, 1995.

95-495

COUNTRY MUSIC DAY

Whereas, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music in our state; and

Whereas, the ICMA believes in the recognition of musical achievements of Illinois artists and the entertainment of fans; and

Whereas, ICMA is celebrating its anniversary with the Sixth Annual Awards Show on October 8 at the Bloomington High School Auditorium. During the show, the Illinois Country Music Entertainer of the Year will be awarded;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8, 1995, as COUNTRY MUSIC DAY in Illinois.

Issued by the Governor October 4, 1995.

Filed by the Secretary of State October 26, 1995.

95-496 ILLINOIS' AMBASSADORS OF MUSIC

Whereas, student musicians from the State of Illinois will be selected as members of the Illinois Ambassadors of Music and will be involved in a two-and-a-half week tour of Europe in the summer of 1996; and

Whereas, students nominated for membership in the Illinois Ambassadors of Music can be proud of their musical excellence and high record of achievement that led to membership in this prestigious group; and

Whereas, high school band and chorus students are selected by their high school music directors for the honor of participation based upon their citizenship, character, and musicianship; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the students selected for the 1996 European Concert Tour as ILLINOIS' AMBASSADORS OF MUSIC, calling upon these students to represent the spirit of friendship and goodwill that is characteristic of the State of Illinois.

Issued by the Governor October 4, 1995.

Filed by the Secretary of State October 26, 1995.

95-497

CHINESE DOUBLE TEN DAY

Whereas, the Republic of China on Taiwan and the State of Illinois share a strong tie of friendship through the Sister State Agreement; and

Whereas, October 10, 1995, denotes the 84th anniversary of the founding of the Republic of China; and

Whereas, Chinese-American citizens have made significant contributions to the social and economic growth of Illinois; and

Whereas, the State of Illinois recognizes the strong efforts of the Republic of China on Taiwan for inclusion into the United Nations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10, 1995, as CHINESE DOUBLE TEN DAY in Illinois and encourage all Illinoisans to join in this observance and to show appreciation for the contributions of the Chinese-American citizens of our state.

Issued by the Governor October 5, 1995.

Filed by the Secretary of State October 26, 1995.

95-498

GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK

Whereas, the GFWC Illinois Federation of Women's Clubs Junior Organization has served the communities of Illinois for more than 49 years; and

Whereas, this volunteer, non-profit organization consists of 3,100 members in 116 clubs spread throughout the State of Illinois while contributing 461,000 hours on 8,000 projects and donating \$2.1 million; and

Whereas, this organization has worked in numerous areas including child abuse prevention, drunk/drugged driving awareness, solid waste management, youth literacy, and safety for older Americans; and

Whereas, they have dedicated a week to highlight their accomplishments and continued success to help better the quality of life for all citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8-14, 1995, as GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK in Illinois in honor of this organization's commitment to the welfare of the citizens of our state.

Issued by the Governor October 6, 1995.

Filed by the Secretary of State October 26, 1995.

95-499

LOVE DAY

Whereas, many people are hurting and in need of hope and encouragement; and

Whereas, we should be reminded of anyone who is unfed, unwanted, abandoned, crippled, dying, hungry, homeless, aged, imprisoned, lonely or sick; and

Whereas, I encourage our residents to help bring peace, comfort and love to all those who hurt in anyway; and

Whereas, a special day has been designated to remind us of the poor among us, the needy who seek help, the lonely who need companionship and others who need our special interest, compassion and love;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 7, 1995, as LOVE DAY in Illinois.

Issued by the Governor October 6, 1995.

Filed by the Secretary of State October 26, 1995.

95-500

BIHAR DAY

Whereas, Bihar, India, is one of the largest industrial states in India; and

Whereas, approximately 20 percent of Asian Indians in Illinois are from this part of India; and

Whereas, in order to strengthen the business relationship between Illinois and the state of Bihar, the Honorable Lalu Prasad, Chief Minister of Bihar, will visit Chicago on October 14, 1995; and

Whereas, in honor of this visit, the Indian community, along with the Consul General of India, will have a reception and annual banquet organized by

the Bihar Cultural Association at the Holiday Inn in Hillside;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14, 1995, as BIHAR DAY in Illinois in appreciation of Chief Minister Prasad's visit to Chicago.

Issued by the Governor October 10, 1995.

Filed by the Secretary of State October 26, 1995.

95-501

FOUNDATION FOR INTERNATIONAL COOPERATION DAY

Whereas, the Foundation for International Cooperation is a goodwill ambassador organization dedicated to the enlightenment and betterment of mankind through cultural understanding; and

Whereas, the Foundation for International Cooperation has arranged cultural exchanges between American citizens and foreign citizens since 1960; and

Whereas, members partake of ethnic activities in their home towns so as to understand other cultures; and

Whereas, the Foundation for International Cooperation has garnered much success in their battle against ignorance and cultural misunderstanding through education; and

Whereas, 3,000 foreign visitors have been guests of families within the Foundation for International Cooperation; and

Whereas, this organization will be holding its National Board Meeting in Chicago on October 14, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14, 1995, as FOUNDATION FOR INTERNATIONAL COOPERATION DAY in Illinois.

Issued by the Governor October 10, 1995.

Filed by the Secretary of State October 26, 1995.

95-502

MMMA DAY

Whereas, Mitsubishi Motor Manufacturing of America (MMMA) is located in Normal and is a valuable part of the local and state economies; and

Whereas, MMMA employs 3,900 people and has an annual payroll of more than \$170 million; and

Whereas, MMMA contributes to more than 50 charitable organizations and has donated pre-production vehicles to automotive classes at various Illinois high schools and colleges; and

Whereas, MMMA also has contributed to Illinois students by giving financial support to educational programs in McLean County; and

Whereas, MMMA will celebrate its 10th anniversary and the production of its one-millionth vehicle on October 11, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11, 1995, as MMMA DAY in Illinois and recognize this company for its outstanding contributions to this state.

Issued by the Governor October 10, 1995.

Filed by the Secretary of State October 26, 1995.

95-503

QUALITY MONTH

Whereas, a commitment to excellence in manufacturing and service is essential to our nation's long-term economic welfare; and

Whereas, over the years, American craftsmen have shown great personal pride and interest in developing quality goods and services; and

Whereas, individual workers, business managers, labor leaders, educators, and government officials must all work to promote a standard of excellence in the public and private sectors; and

Whereas, from the smallest to the largest manufacturing and service organizations in Illinois, total quality and continuous improvement are major concerns of all who believe in the long-term existence of their operations; and

Whereas, the American Society for Quality Control, an international society with more than 137,000 members worldwide, is taking part in a national campaign to stimulate, support, and strengthen America's commitment to quality in all types of organizations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1995 as QUALITY MONTH in Illinois.

Issued by the Governor October 10, 1995.

Filed by the Secretary of State October 26, 1995.

95-504

CORRECTIONAL INDUSTRIES WEEK

Whereas, the National Association of Institutional Agribusiness was founded to sponsor discussions of mutual problems, pooling and exchange of useful ideas, development of organized studies, and other activities designed to increase the contributions of institutional farms, while aiding the treatment of inmates or patients and the economy of the respective institutions; and

Whereas, the Illinois Correctional Industries will host the annual meeting of the association in Springfield October 17-19, 1995; and

Whereas, the members of the National Association of Institutional Agribusiness are committed to the goals of developing inmate skills so they may seek long-term employment in the food processing industry upon release, while curtailing the expense of feeding the increasing prison population; and

Whereas, their efforts contribute to the economical use of tax dollars in the operations of correctional systems throughout our nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16-20, 1995, as CORRECTIONAL INDUSTRIES WEEK in Illinois.

Issued by the Governor October 11, 1995.

Filed by the Secretary of State October 26, 1995.

95-505

SLOVENIAN DAY

Whereas, on October 29, 1995, Slovenians will celebrate the 77th anniversary of the independence of their European homeland; and

Whereas, 1995 marks the 45th anniversary of the Slovenian Day Festival in Illinois; and

Whereas, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing, and crafts; and

Whereas, thousands of Slovenian-Americans have been living in Illinois for generations and have contributed much to the progress and development of the

state; and

Whereas, the Slovenian-American community in Illinois has achieved excellence in all areas including education, science, medicine, business and government; and

Whereas, a special independence day program will be shared by all Illinois citizens on October 21, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 21, 1995, as SLOVENIAN DAY in Illinois.

Issued by the Governor October 11, 1995.

Filed by the Secretary of State October 26, 1995.

95-506

SOCIETY OF THE DIVINE WORD DAY

Whereas, the mission service of the Society of the Divine Word in North America began with the arrival of Brother Wendelin Meyer, SVD, on October 15, 1895, and in 1897, more missionaries joined him where they eventually settled in Shermerville, Illinois, now known as Northbrook; and

Whereas, in 1909, encouraged by recruiting efforts, the Society opened St. Mary's Mission Seminary at Techny, Illinois, which was the first Catholic seminary in the United States established specifically for the education of men to work in the foreign missions; and

Whereas, in 1920, with the encouragement of Pope Pius XI, the Society of the Divine Word opened St. Augustine's Seminary in Bay St. Louis, Mississippi, to serve the special needs of African American men who wanted to become priests; and

Whereas, about 40 percent of the African American clergy ordained in the United States, including nine bishops, have been trained by the Society; and

Whereas, today, the Society's mission among African Americans in the United States and the Caribbean includes 48 parishes, expanding ministries to the Vietnamese and Hispanics who comprise the most rapidly growing segment of the U.S. Catholic population; and

Whereas, the work begun by Brother Wendelin Meyer in 1895 has initiated 100 years of innovative and distinguished service to the church in North America, including mission education of American Catholics through the Society's mission seminars and publications;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1995, as SOCIETY OF THE DIVINE WORD DAY in Illinois and offer my heartfelt congratulations on its 100th anniversary of ministry and service to people throughout the world.

Issued by the Governor October 11, 1995.

Filed by the Secretary of State October 26, 1995.

95-507

EMERGENCY NURSES DAY

Whereas, Emergency Department nurses are registered professional nurses who provide quality emergency care; and

Whereas, in addition to basic training, emergency nurses have advanced knowledge of psychosocial, physiological and therapeutic components specific to the care of the ill and injured; and

Whereas, emergency nurses work collaboratively with all disciplines of the

health care team to optimize patient care outcomes; and

Whereas, the Emergency Nurses Association (ENA) was established in 1970 to promote advancement of emergency nurse practice; and

Whereas, there are approximately 5,000 nurses providing emergency care in the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1995, as EMERGENCY NURSES DAY in Illinois.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-508

FORT DEARBORN-CHICAGO CAMERA CLUB DAY

Whereas, the Fort Dearborn-Chicago Camera Club was founded in 1895 and is one of the oldest camera clubs in the United States; and

Whereas, for a century, the Fort Dearborn-Chicago Camera Club has enabled thousands of persons to find pleasure, purpose, and self-development through photography; and

Whereas, the membership of the club is representative of the spirit and character of Illinois and consists of men and women from all occupations, heritages, faiths and age groups; and

Whereas, on October 14, 1995, Fort-Dearborn-Chicago Camera Club will celebrate its 100th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14, 1995, as FORT DEARBORN-CHICAGO CAMERA CLUB DAY in Illinois in recognition of this milestone and in honor of its accomplishments.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-509

LASALLE BANKS CHICAGO MARATHON DAY

Whereas, the LaSalle Banks Chicago Marathon will feature more than 13,000 athletes; and

Whereas, competitors will include defending champion Kristy Johnston and record-setting runner Steve Jones; and

Whereas, more than 3,000 volunteers, along with the help of 1,000 Chicago police, park district, public works, and street and sanitation department employees will help stage the race; and

Whereas, the LaSalle Banks Chicago Marathon will be October 15, 1995, when race competitors will run through Chicago's magnificent ethnic neighborhoods;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1995, as LASALLE BANKS CHICAGO MARATHON DAY in Illinois.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-510

MARGARET C. DOODY DAY

Whereas, Margaret C. Doody was born on October 12, 1905, in the South Shore area of Chicago, where she also attended Parkside School; and

Whereas, Margaret C. Doody is the mother of Marcia Kelleher, Mary Doody

Riff, and John T. Doody, Jr., and has nine grandchildren and one great-grandchild; and

Whereas, Margaret C. Doody has been a long-time resident of Homewood, she is a member of St. Joseph's Parish, and she has devoted her life to raising her children and caring for her family; and Whereas, Margaret C. Doody was the First Mother of Homewood from 1991-1995, is well known around downtown Homewood because of taking regular walks, and is an avid follower of the Chicago Bears and the Notre Dame Fighting Irish; and

Whereas, Margaret C. Doody will celebrate her 90th birthday on October 12, 1995, with her family and friends;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12, 1995, as MARGARET C. DOODY DAY in Illinois and extend my congratulations and best wishes.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-511

METRIC WEEK

Whereas, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

Whereas, the United States Metric Association is a nonprofit organization dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

Whereas, the United States has taken many important steps toward metrication, including requiring metric labeling on all consumer packaging; and

Whereas, the Goals 2000 bill has passed Congress and been signed into law, which stipulates for the first time that SI metric should be taught in all science and math classes in the United States; and

Whereas, metric construction in excess of \$9 billion is now taking place in the United States; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8-14, 1995, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-512

MT. PULASKI/REACHING NEW HEIGHTS DAY

Whereas, Mt. Pulaski CUD #23 is striving for academic excellence and is reaching new academic heights in its pursuit of excellence and equality; and Whereas, Mt. Pulaski School District comprises the "Geo Center" of Illinois and is comprised of the towns Chestnut, Cornland, Elkhart, Lake Fork and Mt. Pulaski; and

Whereas, students in this school district have consistently exceeded regional, state and national academic scores; and

Whereas, Mt. Pulaski CUD #23 acknowledges and praises its staff, students and community for its involvement in helping to achieve and maintain outstanding academic performance; and

Whereas, Mt. Pulaski CUD #23 will have a "Reaching New Heights"

celebration of academic success on October 12, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12, 1995, as MT. PULASKI/REACHING NEW HEIGHTS DAY in Illinois in recognition of the outstanding level of academic achievement exhibited in the Mt. Pulaski School District.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-513

PETE AND LINDA DAY

Whereas, during the Monday-Friday, 6-10 a.m. time period, the morning radio duo of Pete McMurray and Linda Lampert on WXR-FM (104.9) finished first in July's Arbitron ratings with an 18.2 audience share; and

Whereas, WXR-FM, a classic rock radio station, finished first in the Rockford radio market ratings in total audience share and first among ages 18-49 and 25-54; and

Whereas, during the popular "McMurray in the Morning" radio show, Pete McMurray and Linda Lampert entertain area listeners with bits like "Telephone Telepathy" and other games and giveaways. In addition, news and information are provided twice an hour; and

Whereas, Pete McMurray and Linda Lampert will be honored for their third anniversary with WXR-FM on October 13, 1995, at the Taballa Shrine Temple;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13, 1995, as PETE AND LINDA DAY in honor of the duo and their contributions to morning radio in the Rockford area.

Issued by the Governor October 12, 1995.

Filed by the Secretary of State October 26, 1995.

95-514

RICHARD CRISP DAY

Whereas, Richard Crisp entered the United States Navy on May 30, 1973, and reported to Navy Recruit Training Command Great Lakes for basic training; and

Whereas, Richard Crisp completed Enlisted Rate Training in Electricity and Advanced Specialty Training in Nuclear Power and was assigned to the USS Lafayette SSBN 616 at Groton, Connecticut; and

Whereas, Electrician's Mate First Class, Submarine Service Richard Crisp has been stationed on the USS Lexington CVT 16, at Navy Recruiting Districts Peoria, Illinois, and Omaha, Nebraska, and the USS Mississippi before being released from active duty in May 1984; and

Whereas, Electrician's Mate First Class, Submarine Service Richard Crisp returned to active duty in January 1987 for further assignments on the USS Lexington AVT 16 and at Naval Reserve Centers Quincy, Massachusetts and South Weymouth, Massachusetts; and

Whereas, Electrician's Mate First Class, Submarine Service Richard Crisp's awards and medals include the Submarine Service Designation, the Navy Achievement Medal 2nd Award, the Meritorious Unit Commendation 2nd Award, the Good Conduct Medal 4th Award, the National Defense Medal 2nd Award, the Navy Recruiting Award, the Coast Guard Special Operations Ribbon, the Sea Service Ribbon, and the Deterrent Patrol Insignia 2nd Award; and

Whereas, Electrician's Mate First Class, Submarine Service Richard Crisp

will retire from the United States Navy on December 31, 1995, and a retirement ceremony will be held in his honor on October 13, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13, 1995, as RICHARD CRISP DAY in Illinois in honor of his retirement and dedicated service to our country.

Issued by the Governor October 12, 1995.
Filed by the Secretary of State October 26, 1995.

95-515

VETERINARY TECHNICIAN WEEK

Whereas, veterinary technicians are important members of the veterinary health care team, work in veterinary medicine throughout the nation, and are extremely important in the effort to provide quality animal health care to ensure the humane treatment of all animals; and

Whereas, there are over sixty accredited programs throughout the United States which provide intensive study of skills and knowledge to work competently as a veterinary technician, including anatomy, physiology, microbiology, clinical techniques, pharmacology, anesthesiology, surgical and medical nursing, radiology, and clinical pathology training; and

Whereas, it is extremely important that each veterinary technician maintain certification, registration, or licensure through successful completion of a national or state examination, practice lifelong learning through continuing education and uphold high ethical standards; and

Whereas, veterinary technicians will be joining their colleagues across the country to urge all to become aware of the important contribution of veterinary technicians to the health and well being of all animals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15-21, 1995, as VETERINARY TECHNICIAN WEEK in Illinois.

Issued by the Governor October 13, 1995.
Filed by the Secretary of State October 26, 1995.

95-516

KEY CLUB WEEK

Whereas, Key Club International, a high school service organization sponsored by Kiwanis International, is comprised of over 6,200 high school students in approximately 140 schools across the state; and

Whereas, local members are a part of an international organization of over 171,000 students dedicated to serving their homes, schools and communities; and

Whereas, through their service efforts, Key Club members have built better communities while improving their own leadership skills for the future; and

Whereas, Key Club members promote the adoption of higher standards in scholastics, sportsmanship and social contacts along with the development of a more concerned citizenship; and

Whereas, each member annually performs at least 50 hours of service to his or her home, school and community; and

Whereas, the Key Club members of the Illinois-Eastern Iowa District have raised over \$250,000 in the last 15 years for the Kiwanis Spastic Paralysis Research Foundation; and

Whereas, the 1995-96 Key Club International theme and major emphasis program "Kids First" encouraged Key Club members to offer service and mentoring

to children ages 6-13; and

Whereas, Key Club International will observe the week of November 5-11, 1995, as Key Club Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 5-11, 1995, as KEY CLUB WEEK in Illinois in honor of all Key Club members in our state and their commendable service to their communities.

Issued by the Governor October 16, 1995.
Filed by the Secretary of State October 26, 1995.

95-517

RIVER TRAILS ELEMENTARY SCHOOL DISTRICT 26 DAY

Whereas, Elementary School District 26 was legally organized in 1895 in Cook County, Illinois, and included the original school, Feehanville Elementary; and

Whereas, the district was renamed River Trails Elementary School District 26 in 1965; and

Whereas, over the years, eight schools, including Bond, Euclid, Feehanville, Indian Grove, Nipper, Park View, River Road at Maryville, and River Trails, have served River Trails Elementary School District 26; and

Whereas, this school district has developed into a sophisticated, highly technical suburban school district that is committed to providing the best education to all of its students; and

Whereas, River Trails Elementary School District 26 will celebrate its 100th anniversary on October 15, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1995, as RIVER TRAILS ELEMENTARY SCHOOL DISTRICT 26 DAY in Illinois.

Issued by the Governor October 16, 1995.

Filed by the Secretary of State October 26, 1995.

95-518

MAMMOGRAPHY DAY

Whereas, breast cancer continues to be a leading cause of cancer deaths among American women, and one in every nine women will develop breast cancer in her lifetime; and

Whereas, according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer this year and 46,000 U.S. women will die of the disease; and

Whereas, when detected in its earliest stage, virtually 100% of breast cancers can be treated effectively; and

Whereas, the improved survival rates are because of advances in early detection techniques, improved surgical procedures and new forms of post-surgical hormonal therapy and chemo-therapy; and

Whereas, the risk of breast cancer increases with age, and more than half of breast cancers occur in women over the age of 65; and

Whereas, research reveals that if the American Cancer Society's early detection guidelines were followed, the breast cancer mortality rate would decrease by as much as one-half; and

Whereas, since the best protection against breast cancer is early detection and prompt treatment, all women 20 and over should practice monthly

self breast examinations, women 20-39 should have breast examinations by their health care provider every three years, women 40-49 should have yearly breast examinations by their health care providers every year and a mammogram every one to two years, and women 50 and over should have annual mammograms and breast examination by their health care provider;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1995, as MAMMOGRAPHY DAY and October 1995 as BREAST CANCER AWARENESS MONTH in Illinois and urge all citizens to become more informed about breast cancer by contacting their health care provider or the American Cancer Society.

Issued by the Governor October 17, 1995.

Filed by the Secretary of State October 26, 1995.

95-519

SLOVENIAN CULTURAL CENTER DAYS

Whereas, the Slovenian American community is opening the Slovenian Cultural Center in Lemont, Illinois; and

Whereas, the Slovenian Cultural Center is designed to foster the ideals of culture and heritage in American society by providing cultural services and promoting ethnic recognition among Slovenian people; and

Whereas, the Lipa, or Linden Tree in the vestibule of the Slovenian Cultural Center represents the life-giving celebration of the unity of Slovenian Americans and stands in proud testimony to the sharing of individual talents, cooperative workmanship, collaboration of ideas, and extensive donation of monetary and material resources that made the Slovenian Cultural Center a reality; and

Whereas, the Slovenian Cultural Center portrays the motto of the Slovenian people: Mati-Domovina-Bog, or God-Home-Motherland; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 18-19, 1995, as SLOVENIAN CULTURAL CENTER DAYS in Illinois.

Issued by the Governor October 17, 1995.

Filed by the Secretary of State October 26, 1995.

95-520

ALLIANCE FOR EXCELLENCE MONTH

Whereas, the State of Illinois places a very high priority on providing quality education to the children of Illinois; and

Whereas, the Lake Bluff School District 65 represents one of the finest public school systems in the state; and

Whereas, the three schools in District 65 are dedicated to providing an excellent, well-rounded education to their pupils; and

Whereas, the educational experience, curriculum and academic excellence of District 65 schools are supported by the Alliance for Excellence, a non-profit educational foundation; and

Whereas, since it was formed five years ago, the Alliance for Excellence's mission has been to draw upon the resources of the community to further enhance education in the district; and

Whereas, community support is crucial to the success of the Alliance for Excellence and its ability to continue to provide much-needed teacher grants, equipment purchases and student awards;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1995 as ALLIANCE FOR EXCELLENCE MONTH in Illinois and commend the Alliance for Excellence and the Lake Bluff community for five years of enhancing education.

Issued by the Governor October 18, 1995.

Filed by the Secretary of State October 26, 1995.

95-521

CHILDREN'S SABBATH WEEKEND

Whereas, on the weekend of October 20-22, 1995, the National Observance of Children's Sabbath sponsored by the Children's Defense Fund will be held; and Whereas, this year's observance will examine the crisis of child poverty that plagues our state and nation; and

Whereas, this observance reminds us that 30 percent of children live near the poverty line and more than 20 percent live below the poverty line; and Whereas, religious communities of more than 150 faiths will join together to speak out and act faithfully for justice for children through worship services, educational programs, and congregational activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20-22, 1995, as CHILDREN'S SABBATH WEEKEND in Illinois.

Issued by the Governor October 18, 1995.

Filed by the Secretary of State October 26, 1995.

95-522

ILLINOIS COMPREHENSIVE SCHOOL HEALTH EDUCATION DAY

Whereas, research indicates that healthy children learn better; and Whereas, Illinois children face many educational and health challenges that affect their lives and futures, including, violence, drug abuse, physical and mental illness, poor levels of student achievement, and other challenges; and

Whereas, October is Child Health Month; and

Whereas, through school health programs, children and their families can develop the knowledge, attitudes, beliefs and behaviors necessary to remain healthy and to perform well; and

Whereas, school health education promotes environments that enhance safety, nutrition and disease prevention, and it helps young people develop problem-solving and decision-making skills; and

Whereas, Joseph A. Spagnolo, State Superintendent of Education, Illinois State Board of Education, and John R. Lumpkin, MD, Director, Illinois Department of Public Health, have issued a joint statement calling upon staff in their respective agencies to work closely together in providing leadership to the coordination of school health education initiatives involving other state and private agencies; and

Whereas, Superintendent Spagnolo and Director Lumpkin call upon professionals in the fields of education, health, and human services and concerned citizens across Illinois to participate in the Summit Conference on Comprehensive School Health Education that is being convened by the Illinois Chapter of the American Academy of Pediatrics Comprehensive Health Education Task Force, under the leadership of Dr. Karen L. Scott, Director of the Cook County Department of Public Health and Chair of the Task Force;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1995, as ILLINOIS COMPREHENSIVE SCHOOL HEALTH EDUCATION DAY in Illinois and urge all citizens to support school and community efforts to enhance our children's health and thereby their ability to learn.

Issued by the Governor October 18, 1995.

Filed by the Secretary of State October 26, 1995.

95-523

ENVIRONMENTAL HEALTH PRACTITIONERS WEEK

Whereas, the Illinois Environmental Health Association represents professional environmental health practitioners in the State of Illinois; and

Whereas, professional environmental health practitioners, trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and

Whereas, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and

Whereas, the Illinois Environmental Health Association will be holding its Annual Educational Conference October 30-31 in Peoria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 29-November 4, 1995, as ENVIRONMENTAL HEALTH PRACTITIONERS WEEK in Illinois in recognition of the Illinois Environmental Health Association and its contributions to the health and welfare of all citizens.

Issued by the Governor October 19, 1995.

Filed by the Secretary of State October 26, 1995.

95-524

ILLINOIS PARALEGAL ASSOCIATION AND PARALEGAL/LEGAL ASSISTANT DAY

Whereas, paralegals aid in the efficient delivery of legal service to the public; and

Whereas, the Illinois Paralegal Association, the first paralegal organization in Illinois, was established in November 1972 in response to the growing need for an organized professional association for paralegals; and

Whereas, the Illinois Paralegal Association promotes and maintains high standards in the paralegal profession and offers and encourages continuing education for paralegals; and

Whereas, the Illinois Paralegal Association establishes and maintains mutually beneficial working relationships with other paralegal organizations and with local, state and national bar associations; and

Whereas, October 25, 1995, will mark the celebration of the 23rd anniversary of the association;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25, 1995, as ILLINOIS PARALEGAL ASSOCIATION AND PARALEGAL/LEGAL ASSISTANT DAY in Illinois.

Issued by the Governor October 19, 1995.

Filed by the Secretary of State October 26, 1995.

95-525

MEETINGS INDUSTRY DAY

Whereas, the Meetings Industry Council of Chicago works together to promote cooperation and communication among regional and national meeting organizations; and

Whereas, the mission and goals of the organization are to provide leadership and focus for its members and related organizations; maintain professionalism among the member organizations, encourage education, positive interaction, and partnerships among its representatives; evaluate and address strategic issues affecting the industry; and foster a partnership with industry and government to offer guidance in matters directly impacting the meetings industry; and

Whereas, the Meetings Industry Council of Chicago strives to educate the general public and others interested in the industry and work toward a common purpose for the benefit of the meetings industry and Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 2, 1995, as MEETINGS INDUSTRY DAY in Illinois in conjunction with the national observance.

Issued by the Governor October 19, 1995.

Filed by the Secretary of State October 26, 1995.

95-526

REFUGEE WEEK

Whereas, the United States has long been a symbol of hope and a source of substantial aid for refugees around the world; and

Whereas, the United States reaches the 15th anniversary of the Refugee Act; and

Whereas, October 23, 1995, marks the 51st anniversary celebration of the United Nations; and

Whereas, Illinois is the fifth largest state in the nation in refugee population with more than 95,000 refugees arriving since 1975; and

Whereas, the Illinois Department of Public Aid has for 15 years administered the Refugee Resettlement Program and coordinated employment and adjustment services through a consortium of community-based organizations throughout the state; and

Whereas, the Illinois Department of Public Health has for 15 years administered and coordinated health services for refugees at local health screening centers throughout the state; and

Whereas, Illinois and the nation remain committed to assisting refugees and to contributing toward international relief efforts and will support the United Nations High Commissioner for Refugees; and

Whereas, the demise of communism and the triumph of democratic movements around the world have brought about an era of promise and opportunity. Heartened by this knowledge, let us build on the progress we have made so that all peoples might enjoy the blessings of the freedom and security in their respective homelands;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the week of October 23, 1995, as REFUGEE WEEK in Illinois and encourage all Illinoisans to observe this week with appropriate programs, ceremonies, and activities.

Issued by the Governor October 19, 1995.
Filed by the Secretary of State October 26, 1995.

95-527

MAKE A DIFFERENCE DAY

Whereas, the foundation of a humane and just society is the people's willingness to work together for the common good; and
Whereas, our country's volunteer force of 89.2 million people is a great treasure; and
Whereas, self-sacrificing individuals mobilized to help others can stem the tide of poverty, hunger, homelessness, spouse and child abuse, and other problems that afflict society; and
Whereas, the giving of oneself in service to another empowers the giver and the recipient; and
Whereas, it is the duty of all our citizens to search out opportunities to make a difference in the lives of those around them and dedicate time and resources to the betterment of their community; and
Whereas, many constituencies will be working in partnership to promote a national day of doing good;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 28, 1995, as MAKE A DIFFERENCE DAY in Illinois.
Issued by the Governor October 20, 1995.
Filed by the Secretary of State October 26, 1995.

95-528

OSTEOPATHIC MEDICINE WEEK

Whereas, for more than 100 years, the osteopathic medical profession has been dedicated to preserving good health for all Americans; and
Whereas, osteopathic health care is a distinctive branch of mainstream medical care, and Illinois Doctors of Osteopathy are fully licensed physicians who stress the unity of all body systems and emphasize the importance of the musculoskeletal system; and
Whereas, osteopathic physicians and hospitals are concerned with meeting the health needs of the whole person and the whole family and offer preventive medical services; and
Whereas, we should recognize the need for the latest technology and for caring physicians committed to family practice, modern health care, and the entire person in treating illnesses;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 5-11, 1995, as OSTEOPATHIC MEDICINE WEEK in Illinois, in accordance with the national observance.

Issued by the Governor October 20, 1995.
Filed by the Secretary of State October 26, 1995.

Rules acted upon during the quarter of October 1 through December 31, 1995 are listed in the Issues Index by Title number, Part number and Issue number. For example, 32 Ill. Adm. Code 610 published in Issue 42 will be listed as 32-610-42. This Issues Index supplements the Sections Affected and Cumulative Indexes published in the October 13, 1995 Illinois Register (Issue 41). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

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